United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 117th CONGRESS, SECOND SESSION

Vol. 168 WASHINGTON, THURSDAY, MARCH 31, 2022 *No. 57*

Senate

The Senate met at 10 a.m. and was called to order by the Honorable JACKY ROSEN, a Senator from the State of Nevada.

PRAYER

Mr. SULLIVAN. Today's opening prayer will be offered by our guest Chaplain, Rabbi Mendy Greenberg, Director of Mat-Su Jewish Center, Chabad-Lubavitch, in Palmer, AK.

The guest Chaplain offered the following prayer:

Almighty God, Master of the Universe, we stand before You in prayer in these troubling times when innocent men, women, and children have lost their lives and millions fled their homeland due to the catastrophic war in Ukraine. In the words of King David, Psalms, Chapter 121:

I lift my eyes to the mountains—from where will my help come? My help will come from the Lord, Maker of heaven and earth.

May You, Almighty God, grant the Members of this honorable body wisdom and understanding that the ultimate way to eliminate the cause of war and bring true peace to the world is by embodying the universal values of the seven commandments issued to Noah after the great flood, foremost of which is not to commit murder.

Almighty God, I beseech You to bless the U.S. Senate assembled today to fulfill one of Your seven commandments to govern by just laws and in the merit of the global spiritual giant and leader, Your servant, the Rebbe, Rabbi Menachem M. Schneerson, whose 120th birthday will be celebrated this coming month on the 11th day of Nissan, Tuesday, April 12.

In 1978, this honorable body established the Rebbe's birthday as Education and Sharing Day USA and is proclaimed annually by the President of the United States in recognition of the Rebbe's global campaign to bring awareness and educate our youth about these ethical values of the Seven Noahide Laws as the basis for a just and compassionate society.

Almighty God, may it be in the merit of realizing the Rebbe's vision for humanity, we speedily see the fulfillment of Isaiah's promise:

Nation shall not lift up sword against nation, neither shall they learn war anymore.

With the coming of Moshiach, Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 31, 2022.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JACKY ROSEN, a Senator from the State of Nevada, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

Ms. ROSEN thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

LEGISLATIVE SESSION

MAKING APPROPRIATIONS FOR THE DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2022—Motion to Proceed—Resumed

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 4373, which the clerk will report.

The senior assistant legislative clerk read as follows:

Motion to proceed to H.R. 4373, a bill making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2022, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

RABBI MENDY GREENBERG

Mr. SULLIVAN. Madam President, thank you for allowing me to open the Senate with you. It was a true honor to have Rabbi Mendy Greenberg, who is doing amazing work in Palmer, AK, open the Senate with his very powerful and meaningful prayer and very appropriate prayer for what is happening in the world.

I just want to say a little bit about our incredible Jewish community in Alaska. Rabbi Greenberg's parents are actually up in the Gallery watching—his father, Rabbi Greenberg and his incredible wife, Esti.

I just want to say what they do for our—community—communities throughout Alaska—is so powerful, so meaningful, and touches so many lives way beyond the Jewish community of Alaska—way beyond that community. I love the phrase referring to our wonderful Jewish community of Alaska, the ''frozen chosen,'' because it is a little cold in our State, as most Americans know.

But here is the thing about this community: They are incredible in terms of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

bringing all Alaskans together. We have this annual event called the Jewish Gala that has hundreds and hundreds of Alaskans of all faiths who participate in this every year. It is one of my favorite things to do as an Alaskan, to come and celebrate not just the Jewish community, but the spirit of togetherness, the spirit of faith, and the spirit of taking care of one another. That is what this incredible community does, led by both Rabbi Greenbergs, who we saw the younger today give this very powerful prayer.

I want to thank him and his parents for being here today. It is not always easy to get to DC from Alaska—a couple of thousand miles at least. To our Jewish community back home, to the Greenbergs for all they have done, I just want to, on the Senate floor here, offer my deepest thanks for the example they set for the entire State of Alaska. It is great having them here, and what they do for our State is really powerful, really important.

Thank you, Madam President, for allowing me to participate in the opening and the prayer this morning.

I yield the floor.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

H.R. 4373

Mr. SCHUMER. Madam President, first on COVID negotiations, yesterday, I met with a group of my colleagues—Senators MURRAY, COONS, ROMNEY, BLUNT, BURR, and GRAHAM—for another round of talks as we work toward a bipartisan COVID agreement. We spoke throughout the day; we talked late into the night; our staffs are continuing talks this morning.

The gap has been narrowed greatly, and we are intent on working with Republicans to cross the finish line because this is vital for our country if, God forbid, a new variant arises in the future, and that is all too likely. We would like considerably more money than our Republican colleagues, but we need to reach 60 votes to get something passed through the Senate, and so we are going to push as hard as we can.

When it comes to replenishing COVID response funding, we simply can't afford to kick the can down the road. The White House has been more than clear and more than transparent about the fact that public funds for COVID are at risk of running out. We all know that a possible future variant can quickly undo much of the progress we have made against the virus, so it makes no sense whatsoever to hold off on COVID funding that we know is very much needed right now. The more we wait, the bigger the problem will be later, God forbid a variant hits.

The bottom line is this: Both sides should work to complete COVID funding soon because that will mean more vaccines, more therapeutics, and more testing so we can keep schools and communities open. We can stay ''back to normal,'' which we are doing right now. Woe is us if a future variant extends its nasty tentacles across the country, and we don't have the resources in place to respond. Woe is us. So, again, I am pleading with my Republican colleagues: Join us. We want more than you do, but we have to get something done. We have to get something done.

We will keep working to arrive at a deal in good faith, and we hope—hope, hope, hope—our Republican colleagues ultimately join us in supporting a robust enough package to deal with this problem.

As I said, we are making good progress. We are getting closer and closer, but the sooner we get this deal done, the better for the country.

BUSINESS BEFORE THE SENATE

Madam President, on cost cutting, it has been a productive few days here on the Senate floor as we pass legislation that will help reduce costs, relieve supply chains, and build on the incredible economic growth we have seen under President Biden.

I am glad to announce that the Senate is on track to pass bipartisan legislation by Senators KLOBUCHAR and THUNE to reform unfair shipping practices that are clogging up our ports, diminishing American exports, hurting our farmers, and ultimately hurting consumers. It hurts both ways when shipping costs go way up, as they have. The exports we send over—a lot of it agricultural goods—the imports that come back—a lot of it consumer goods—all are higher priced, and Americans pay that higher price.

So the bipartisan shipping bill is exactly the sort of thing the Senate should focus on because when there is a logjam at the Port of Los Angeles, it hurts farmers and small businesses in Minnesota, North Dakota, and across the country, and it hurts consumers in every corner of the country, from Portland, ME, to San Diego, from Seattle to Miami, New York, and everywhere in between.

So I am glad we are making progress to getting this legislation done. The sooner the better, again.

The legislation, of course, is not the only step we have taken this week to strengthen supply chains to help lower costs throughout the economy. Earlier this week, the Senate passed a strongly bipartisan jobs and competitiveness bill in the works for over a year, which will help increase our domestic manufacturing, help address the critical chip shortage, and grow our economy by investing in American innovation.

Yesterday, the House passed a motion requesting a conference committee, and the Senate will soon do the same. We are on track to initiating a conference, hopefully, before the end of this work period.

Off the floor, committees held numerous hearings zeroing in on the many dimensions of our lowering cost agenda. To name just a few examples, the Banking Committee held a hearing on Monday on the growing burden of medical debt, a problem that is facing so many Americans.

The Small Business Committee also held a hearing yesterday exploring the supply chain crisis and its implications for smaller businesses, including struggling restaurants.

And, today, the Banking Committee is on the matter of seniors who struggle with affordable housing.

These are just a few examples of how, both off the floor and on, Democrats are continuing our focus on legislation that will lower costs, help American families, and solve the deep and difficult challenges that everyday Americans face to make ends meet. And we are going to keep pushing in the months ahead to translate these ideas into legislation we can consider here in the Chamber, as we are doing with shipping right now.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant clerk proceeded to call the roll.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The Republican leader is recognized.

BORDER SECURITY

Mr. MCCONNELL. Madam President, well, the Biden administration is on track for another record-shattering year on our southern border—in all the wrong ways.

The Department of Homeland Security is reportedly preparing for up to 18,000 attempted border crossings per day—18,000 per day.

President Biden's border crisis is a symptom of the modern Democratic Party's inability to support any remotely reasonable policy of border enforcement.

Now, thus far, the Biden administration has kept the chaos at least somewhat in check by leaning on emergency authorities that are specific to the COVID pandemic. To be clear, even with these title 42 authorities in place, our border has still been in crisis. Last month was the worst February in more than 20 years. We just saw the worst 12-month period for illegal crossings since at least—listen to this—1960. This is with title 42 in place. Just imagine if President Biden kills it.

But the open-borders far left doesn't like title 42. So now, according to public reports, the Biden administration is preparing to cave to the radicals, end title 42, and effectively throw our borders completely wide open.

Ending title 42 without any real border security plan in place would spark a humanitarian and security crisis like we have never seen before. But it is pretty obvious the far left doesn't care. Open borders are their objective.

So at the same time Washington Democrats are pushing for more Federal spending on the pandemic, they

want to declare the pandemic is finished at our southern border. This doesn't add up.

Throwing the floodgates open for an historic spring and summer of illegal immigration would be an unforced error of historic proportions. It would be right up there with the administration's $2 trillion in inflationary spending and their botched retreat from Afghanistan.

But this goes deeper than just title 42 and COVID. The fundamental point is this: Today's Democrats need the pretext of the pandemic to justify having national borders at all. The left feels they need the pretext of COVID to have any—any—border enforcement whatsoever.

This is absolutely mind-boggling.

Republicans and the American people reject this false choice between permanent COVID versus open borders. We can't only be a sovereign nation during pandemics. Americans deserve secure borders all the time.

Functional open borders have pervaded the Biden agenda at literally every level. The President chose a Supreme Court nominee, Judge Jackson, who has displayed a major streak of judicial activism on this very subject, illegal immigration.

In 2019, the judge sided with the left-wing activists and overlooked plain statutory language that gave DHS ''sole and unreviewable discretion'' over the speedy removal of illegal immigrants. Judge Jackson literally just brushed aside the plain text of the law to reach the policy outcome she wanted, and she went even further. She issued a nationwide injunction—a nationwide injunction—to impose her radical policy view on our entire country.

This was a blatant case of judicial activism. The ruling read like it belonged on the opinion pages of the Washington Post. Even the very liberal DC Circuit completely disagreed and overturned Judge Jackson, with an Obama appointee writing the opinion.

It should not be this hard for an administration to understand that a nation actually needs borders.

I strongly urge the President to keep title 42 in place and quickly produce an actual strategy to do his job and secure our border.

THE ECONOMY

Madam President, on another matter, the American people know our country is hurting. One national survey just found that only 22 percent say our country is headed in the right direction. Seven in ten Americans just told another poll that our Nation's economy is ''in poor shape.''

The worst inflation in 40 years is fleecing American consumers from the gas pump to the grocery store. American workers are earning raises, but prices are climbing faster than their pay.

The Biden administration has tried to pass the buck for this mess. They have tried to blame everything but their own radical policies. They have claimed that a year of runaway inflation was actually—listen to this—''Putin's price hike,'' because of a war in Europe that is barely a month old. They have claimed the problem is evil profiteering CEOs, because, apparently, the private sector was not seeking profits back when the Republicans had the economy humming with low inflation just a few years ago.

American families aren't buying the spin for one second. When asked by another poll what they think is the main reason for rising gas prices—listen to this—Americans' top answer was ''the Biden administration's economic policies.''

An outright majority of the country agrees the President has made inflation worse, but the administration isn't changing course. They are actually doubling down.

The Biden administration began the week by proposing a budget that would skyrocket domestic discretionary spending on liberal wish-list items and smack the country with the biggest tax hike in American history.

Just last night, Democrats tried to ram through another radical nominee who would only have compounded the economic pain. President Biden's choice of David Weil for a senior post at the Department of Labor was a naked attempt to achieve through bureaucracy what the far-left cannot achieve through legislation. This nominee is famous in Washington for hostility to small business. He has received tens of thousands of dollars from Big Labor to do their bidding. He openly sought to end both the franchise system and the gig economy as we know them.

Fortunately—fortunately—last night, a bipartisan majority of Senators rallied together. We saved the President and the Democratic leader from digging themselves into an even deeper hole with this nominee.

Also overnight, we learned President Biden is going to try to slap another bandaid on gas prices by draining more oil out of the Strategic Petroleum Reserve. The reserve is supposed to exist for giant unforeseen crises, such as a war between great powers. It is not there so that anti-energy politicians whose policies have raised gas prices can try to hide that from the public.

It is also worth remembering that back in 2020, as oil prices were cratering, Republicans tried to seize the opportunity to rebuild the Strategic Reserve. It would have been a win-win-win to help stabilize our energy industry in the early days of the crisis, gotten American taxpayers an incredible deal with oil at bargain-basement prices, and enhanced our readiness going forward.

But you know what happened. Senate Democrats blocked it. They said buying oil at rock-bottom prices and building up our reserve would have been—listen to this—''a bailout for Big Oil.'' So the Democratic leader bragged about killing that proposal.

You can't make this stuff up.

Our colleagues misunderstand basic economics and basic national security every chance they get. Taxing, spending, radical nominations, and gimmicky half-measures—the American people already blame the Democrats for the fix we are in, and, every week, our colleagues seek new ways to prove them right.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. GRAHAM. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NOMINATION OF KETANJI BROWN JACKSON

Mr. GRAHAM. Madam President, this morning, I am going to announce my decision on Judge Jackson's nomination to the Supreme Court. I will oppose her, and I will vote no.

My decision is based upon her record of judicial activism, flawed sentencing methodology regarding child pornography cases, and a belief Judge Jackson will not be deterred by the plain meaning of the law when it comes to liberal causes.

I find Judge Jackson to be a person of exceptionally good character, respected by her peers, and someone who has worked hard to achieve her current position. However, her record is overwhelming in its lack of a steady judicial philosophy and a tendency to achieve outcomes in spite of what the law requires or commonsense would dictate.

After a thorough review of Judge Jackson's record and information gained at the hearing from an evasive witness, I now know why Judge Jackson was the favorite of the radical left, and I will vote no.

In the area of child pornography, there has been an explosion in this country of child pornography on the internet. In 2021, groups that follow sexual abuse of children on the internet reported 29.3 million reports of individuals accessing information regarding child pornography on the internet. It has gone from 100,000 in 2003 to 29.3 million in 2021.

It is estimated that there is 85 million images and videos and other files involving sexually exploited children on the internet.

Now, why is this important?

This is the venue of choice for the child pornographer. It is not the mail. As you can see, the internet is where these people go. In a matter of minutes, they can download hundreds, if not thousands, of images and videos of the most disgusting abuse of children; and my goal is to deter that, not discount it.

Judge Jackson's sentencing methodology, in my view, misses the mark. I don't doubt that, personally, she is offended by the behavior that we are all

talking about, but as a judge, she has an opportunity to deter the behavior of going on the internet and downloading images of exploited children. Every time she has that opportunity, she refuses to exercise it.

Now, why is Judge Jackson's sentencing so different?

In possession cases, she gives 29.2 months, and the average nationally is 68 months. In the distribution of child pornography, her sentence is 71.9 months, and the minimum is 60 months. That is what you have to give. The average nationally, they tell me, is 135 months. The length of sentence for the possession of child pornography imposed by Judge Jackson is 57 percent less than the national average. In the area of distribution, it is 40 percent less than the national average.

Why?

Under the sentencing guidelines, judges, if they choose, can enhance the sentence based on the fact that the perpetrator used the internet.

Now, why do we want that as a sentencing enhancement?

We want to deter the use of the internet when it comes to child pornography because there are already 85 million images and videos of children being abused, and that is the venue of choice. So, instead of deterring that behavior, Judge Jackson routinely says that she will not hold that against a perpetrator.

I think that is a mistake. She basically said: It is so easy, in a matter of minutes, to push a button and download a bunch of files. That seems, to me, to be an unfair way to sentence somebody.

She also takes off the table a sentence enhancement for the number or the volume of child pornography being possessed or distributed.

I think that is absolutely backward. I think what we should be doing is that every time you mash the button and download an image of a child being exploited, your time in jail should go up. That should be held against you. Accessing the internet should be deterred, not ignored.

What I have to say is that the National Center for Missing and Exploited Children released a report on the 2020 data. There has been a 35-percent increase in child sex abuse material in a single year, 29.3 million reports last year of people accessing child pornography on the internet, and at least 85 million images and files on the internet.

When it comes time to sentence these people, Judge Jackson will not impose additional punishment on the fact of the volume involved and the fact they are using the internet, the venue of choice.

The more you download, the more you go to jail, is my view. I am going to work with Senator HAWLEY to correct these practices. I think she is making a terrible mistake by not enhancing sentences based on the volume because every click of the computer is destroying a life. We should be deterring the use of the internet when it comes to child pornography. Judge Jackson chooses not to. When it comes to the volume, that should be held against you. The more you abuse children, the more in your possession, the more you distribute, the longer you go to jail.

The reason her numbers are so low is due to that sentencing methodology. I think, if we don't fix this, we are making the problem worse. I think her approach to this issue is absolutely wrong; it loses all deterrence. I will be watching like a hawk future nominees who are in the sentencing business to see if they follow this model.

The model Judge Jackson has created is one wherein the more you do, it doesn't matter. The fact that you use the internet where all the child pornography lies is not held against you, and I believe it should be. Every click, every download means you go to jail longer in the world that I want to create.

The other area of concern is Guantanamo Bay. Remember this? This is 9/11.

Guantanamo Bay has been a place to house enemy combatants captured in the war on terror. Judge Jackson was a public defender, I think, for four or five GTMO detainees, and that is a noble thing. I have no problem with somebody—a public defender anywhere in the country—defending very unpopular people, and people at GTMO deserve representation.

What I found during this representation is that her amicus briefs in the defense of GTMO detainees accused President Bush and his team of being war criminals. That is not defending somebody charged or held as an enemy combatant as being part of the enemy force. That is an accusation against your own government that, I think, buys into the language of the left.

You can vigorously defend anyone captured as an enemy combatant or who is potentially charged with a crime against terrorism. That is a noble thing. Yet, when you use the language that was in her brief—and she said: ''Well, I really don't remember that''—I have a hard time believing that you put your name on a brief that calls the President of the United States and his team war criminals. That is not about defending somebody; that is an activist approach to the war on terror.

It goes further. In her legal briefs, she wanted to deny the United States the ability to hold GTMO detainees under the law of war indefinitely. There are about 37 or 38 GTMO detainees still being held who have never been charged. We know, through the intel and the evidence, that they are hardened killers committed to the jihadist cause. Under the law of war, once their habeas petition has been reviewed by the Federal courts—where the courts agree with the government that the person is, in fact, an enemy combatant—under the law of war, there is no requirement to release him, but Judge Jackson took the position as an advocate that we could not hold them indefinitely, creating a dilemma whereby you have to charge them with a crime or let them go.

I don't consider these people criminals as much as warriors in the cause to destroy our way of life. If you choose to charge them with a crime, fine; but you don't have to make that choice. The reason that there are 30-plus still in detention is we have chosen—Republicans and Democrats—to hold these people off the battlefield. If we had accepted Judge Jackson's legal reasoning, that tool would not have been available to us as a nation, and it would have compromised our ability to defend ourselves.

I think that approach was the most extreme view of representation in this area, and I think it shows a lack of understanding of the war in which we are in. We are not fighting criminals. These are not wayward goat herders. These are people committed to the jihadist cause and would kill us all if they could.

Before I leave GTMO, 31 percent of the people who have been detained since the beginning of the war have gone back to the fight—I will introduce that at the hearing next week—and some of the senior leadership of the current Taliban government were GTMO detainees who have now not only gone back to the fight but have actually gone back to serve in the Taliban government that is reining oppression on the Taliban people.

So, to those who think this is a crime we are fighting, you are wrong. It is a war for the survival of good against evil.

Immigration—in case you haven't noticed, this country is being invaded by illegal immigrants. Right after taking office, President Biden rolled back virtually every policy of President Trump's regarding asylum and deportation. He basically destroyed the regime created by President Trump that gave us the lowest number of illegal crossings in this country in 30 or 40 years at the end of 2020. Now, every week, we are setting new records.

Why?

The policies that existed during the Trump administration worked. They are being reversed by President Biden, and we are being overwhelmed, and the worst is yet to come. If the Biden administration—the CDC—does away with the ability to deport illegal immigrants under title 42 of the public health law, presenting a threat to COVID, then you will see the numbers go up even further. There will be thousands—18,000 to 20,000 people a day—coming across our border from countries with low vaccination rates. So, when it comes to illegal immigration, policy matters.

When Judge Jackson was a district court judge, there was a case brought by Make the Road New York, et al., v. McAleenan, who was the Acting DHS

Secretary under President Trump. The group Make the Road New York was an Arabella activist group. This is kind of a holding company, for lack of a better word—an umbrella group—funded by George Soros and a bunch of other liberal billionaires. This group in that chain, in receiving money from these folks, filed a lawsuit, arguing against the Trump decision to deport, under expedited immigration authority, people who have been here 2 years or less. In changing the Obama policy and actually fully implementing the authority given to the DHS Secretary, they decided to go the full 2 years. Anybody here 2 years and under in the category in question could be deported with expedited procedure—meaning, it was a quick turnaround.

This was the authority given by the Congress to the DHS Director. Obama didn't use that authority fully. Trump decided to do it. Make the Road New York, et al.—a bunch of liberal groups—sued the Trump policy change. Judge Jackson was the judge, and she overruled the Trump decision. The statute in question says that the Secretary has the ''sole and unreviewable discretion'' to use expedited deportation for people here 2 years or less. The statute could not have been written any clearer.

If you are looking for what an activist judge is all about, this is the case, exhibit A.

The law was written in the most clear terms, saying the decision of the Secretary's is unreviewable and solely in their hands when it comes to using expedited removal procedures for people here 2 years or less. She ruled against the Trump administration. She basically said this was arbitrary and capricious; it reeked of bad faith; and it ''[showed] contempt for the authority that the Constitution's Framers have vested in the judicial branch.''

That contempt she is talking about was a congressional act. The congressional act was designed to tell judges that the DHS Secretary has discretion in this area, solely and unreviewable. She found that concept offensive. Instead of following the plain letter of the law, she did legal gymnastics to find against the Trump administration.

When she says the statute ''[created] contempt for the authority that the Constitution's Framers have vested in the judicial branch,'' what she is saying is, I will be damned if I am going to be limited by a congressional act that tells me I can't do what I want to do.

The plaintiff in that case was from the radical left. She ruled for them in spite of the plain meaning of the statute, and she was overturned by the DC Circuit court.

The court said—and this is a fairly liberal court:

> There could hardly be a more definitive expression of Congressional intent to leave the decision about the scope of expedited removal, within statutory bounds, to the Secretary's independent judgment. The ''forceful phrase 'sole and unreviewable discretion''' by its exceptional terms, heralds Congress's judgment to commit the decision exclusively to agency discretion.

She ignored the plain meaning of the statute, the language of the statute, to get a result she wanted, and the DC District Court of Appeals said that there could hardly be a more defended expression of congressional intent.

That is judicial activism on steroids, and it makes managing our immigration problem even worse when you have activist judges who ignore the law and take discretion away, given by Congress to the executive branch, because they don't like the outcome. That is, in fact, the premier definition of judicial activism. I find, in her judging a desire to get an outcome and no matter what she has to do to get that outcome, she will pursue it. This is a case where you couldn't have written a statute more clearly, and she did. She just went around it, got the results she wanted, and got slapped down on appeal.

Now, she is the first African-American female slated to go to the Supreme Court. She, however, is not the first African-American female who had potential to be on the Supreme Court.

Janice Rogers Brown was nominated by President Bush 43 to be on the DC Circuit Court of Appeals—one of the premier appellate courts—like Judge Jackson was nominated to. She is from Alabama. She was the daughter and granddaughter of sharecroppers, growing up in Alabama during the Jim Crow era. She moved to California as a teenager, and she wound up serving on the California Supreme Court. She was a single mother raising children.

In June 2005, she was confirmed to the DC court in a 56-to-43 vote. That was after the Gang of 14 broke a filibuster by my Democratic colleagues against her and others. She was nominated in 2003, and her nomination was stalled for 2 years.

Here is what Senator SCHUMER said:

> Judge Brown was the least worthy pick this president has made for the appellate court, and that's based on her record.

Senator DURBIN in 2005:

> One of the [President's] most ideological and extreme judicial nominees.

In 2005:

> If the President sends us a nominee who, like Janice Rogers Brown, believes that the New Deal was the triumph of a ''socialist revolution,'' there will be a fight.

Here is what then-Senator Biden said about Janice Rogers Brown. Not only did he filibuster her, he said: ''I can assure you that would be a very, very difficult fight, and she probably would be filibustered'' if she were nominated to the Supreme Court.

So, to my Democratic colleagues, as you celebrate Judge Jackson's potential ascension to the Court, as those of us on the committee who asked penetrating, relevant questions of Judge Jackson's judicial philosophy, how she sentenced people and why—you know, the liberal media that is completely in the tank on issues like this sat on the sidelines and watched you, my Democratic colleagues, stop the ascension of an African-American conservative nominee by President Bush. When it came to her potential of being on the Supreme Court, you threatened to filibuster her. You considered her ideology unacceptable and too conservative.

So if you are a conservative nominee of color, a woman, it is OK to use your ideology against you. If you question the ideology and the judging ability of a liberal African-American nominee, you are a racist. Those days are over for me. So I have very little respect for what is going on in modern America when it comes to judging.

Miguel Estrada was nominated by President Bush 43—a highly qualified man, Hispanic—to be on the Court, and he fell victim to the wholesale filibuster of Bush nominees in the 2003 era. He didn't make it through the Gang of 8. Judge Janice Rogers Brown got on the Court—2 years delayed, and when she was being considered to go on the Court, Joe Biden, Senator Joe Biden, said she will be filibustered very, very likely.

So we live in a world where, if you are a person of color, a woman, and you are conservative, everything is fair game. If you are a person of color and liberal, how dare anybody question or use the same standard against you that was used against the other nominees? I don't accept that.

Finally, about the hearing itself, to the liberal media, comparing this hearing to Judge Kavanaugh's is an absolute offense. Nobody on the Republican side held information back, accusing Judge Brown of doing something that was either made up, not credible. Nobody questioned her high school annual. Nobody took a bunch of garbage and made it seem like the nominee had been Bill Cosby in his teenage years. Crazy stuff. Offensive stuff.

What we did ask Judge Jackson is, Why do you sentence the people the way you do? Explain the reasoning in the cases involving child pornography. We went after her judicial philosophy, and it had to be contentious because the judge seldom would answer a question. But to me, if you are going to be nominated to the Supreme Court for a lifetime appointment, you should expect to be asked hard questions. You should not expect to have your life destroyed. And if you don't see a difference between the two hearings, then you are blinded by your desire to get an outcome.

Here is where we are in 2022: The only person qualified to go to the Supreme Court as an African-American woman is a liberal. You can be equally qualified as a conservative, but you need not apply because your ideology disqualifies you. That is not exactly the advancement I was hoping we would have in America in 2022.

So, Judge Jackson, I will vote no.

I find her sentencing methodology to reinforce and take deterrence of the most heinous offenses off the table.

The statements she made during the sentencing hearings showed a tilted sense of compassion. I am sure she doesn't like the behavior and feels sorry for the kids, but every time she had a chance to increase punishment for the volume of material in the hands of the perpetrators, she chose not to do that, and I think she should. Going to the internet, to her, and downloading a bunch of files was too easy to enhance punishment? Well, it is just too easy to destroy lives.

So when it comes to immigration, it is the most egregious case I have ever seen, quite frankly, of a judge ignoring the plain meaning of the law to get a result they wanted. When it comes to the War on Terror, I think the position she wanted our country to take would make us less safe. The language of the left in her briefs of calling Bush a war criminal says more about the politics than it does the merit of the argument.

So now, I know why Judge Jackson was the preferred pick of the radical left. Now, I know why they went after Michelle Childs, somebody I could have supported—even though she had been liberal—a highly qualified, sensible, commonsense person. Now, I know. Now, I understand better. And that is why I am voting no.

To my Democratic colleagues, I will work with you when I can, but this is a bridge too far.

Thank you.

The PRESIDING OFFICER (Mr. BOOKER). The Democratic whip.

Mr. DURBIN. Mr. President, I listened carefully to the presentation by my colleague and friend, Senator GRAHAM of South Carolina. I wanted to come to the floor to make it clear that he didn't tell you the whole story. In fact, in some ways, he didn't even get close.

Who is this judge, Ketanji Brown Jackson? How could she even be considered for the Supreme Court if she is the preferred pick of the radical left? Well, let's take a look at her background: an extraordinary story of a daughter of two public school teachers; the daughter of a father who decided he was going to go to law school, basically stopped working full time. Her mother supported the family. She was a little girl at the time. She remembers it well because there would be law books stacked on the kitchen table. She would come in as a little girl and bring her coloring books to sit next to her daddy while he was studying for law school. He went on to become a lawyer. Family members were policemen. One of her uncles turned out to be the chief of police in Miami. She grew up in a very ambitious, determined, orderly family, and she certainly had respect for her family ties to law enforcement.

She was on the debate team in high school. One of the trips took her from Florida up to the campus of Harvard University. She was dazzled, believed that this just might be the answer to her dreams.

She came back to her high school and sat down with her high school counselor, who said to this young Black woman: Honey, you are shooting too high. I don't want your heart to be broken. Think about other schools. Don't think about that Harvard University school.

Luckily, she ignored that advice, applied, and was accepted.

She told the story before the hearing about being on the campus at Cambridge, not sure that it was the right decision, looking around, seeing a much different world than the one she grew up in, a much different group of people than she was used to socializing with. She must have shown it in her face because as she was walking across the campus one day, an African-American woman saw her, looked at her, and said: Persevere. Persevere.

Just that simple word captured everything for her, and she did. She persevered and completed her education at Harvard and went on to Harvard Law School. She was an outstanding student at the law school, so much so that she became a clerk to the Federal district court. She did such a good job, she was promoted to become a Federal circuit court clerk and then—the ultimate prize for any graduating law student in America—clerk to a Justice of the Supreme Court—Ketanji Brown Jackson—and what an irony that she worked for Justice Stephen Breyer, whose retirement has created the vacancy which she seeks.

Along the way, she staffed the Sentencing Commission. She worked in the Public Defender's Office. She became a Federal district court judge, cleared by this committee, the Judiciary Committee. This was her fourth time before the committee. Each time she appeared, there was bipartisan support, including the Senator who just spoke against her. Then, ultimately, the opportunity of a lifetime to fill a vacancy on the Supreme Court.

For the hearing itself, first, I want to commend my Republican colleague CHUCK GRASSLEY. As chairman of the committee, a Democrat couldn't be any luckier than to have sitting in the chair next to you CHUCK GRASSLEY. He is a gentleman. He is a strong, faithful Republican, but he is a gentleman. We were determined to make this hearing for this judicial nomination to the Supreme Court different than some that had gone before.

I want to commend the Republicans on the committee. There are 11 of them. The majority of those Republicans asked tough, probing questions, as they should. They never got personal. They never raised their voices. They were respectful throughout, the majority of them. I am sorry to say that in a few instances, there were exceptions on that side of the aisle. But I think the hearing, by and large, was a good hearing despite a few differences, which I will note in a minute.

At the end of the day, you could not help but leave that hearing and think you had just seen, you had just witnessed a moment in history—not just the first African American to aspire to serve on the Supreme Court but also a pillar of strength during her hearing. They threw it at her in every direction.

I can't tell you how many people have come up to me everywhere I have gone since that hearing and said the same thing: How did you sit through that? How could you put up with that?

And I thought, and I said to them: Think about her sitting in front of her husband and her daughters and some of the things that were said about her, things said again this morning on the Senate floor. She came out a pillar of strength, grace and dignity under pressure.

I looked up at that table several times and thought, Judge, if you stood up at this moment and said ''Enough. I am taking my family, and we are out of here,'' I would understand. But she never did. She never wavered. She was solid as a rock, and that is why it is my honor to support her and believe that she is going to make history.

Some of the things they said were outrageous. This case they want to make about her sentencing guidelines when it comes to sex crimes involving children and child pornography—what did she say about it? She said they were horrible and despicable crimes. But she didn't just say it before the committee when she was under assault. Listen to what she said in one of her cases, United States v. Hillie, a case involving sexual misconduct toward children. The true nature of these offenses, Judge Ketanji Brown Jackson said, lies in how they affected the children who you tormented for nearly a decade when you lived on and off with their mother. That is a substantial portion of their childhood. These two children carried a burden no child should have to shoulder—the burden of protecting themselves from a man charged with their care but who instead exploited them.

Then she went on to say:

> This family has been torn apart—

she said to the defendant—

> by your criminal actions. You saw it on the faces of those women. You heard it in their voices. And the impact of your acts on those very real victims who are still struggling to recover to this day makes your crimes among the most serious criminal offenses that this Court has ever sentenced.

Does that sound like she is soft on crime? Does that sound like she didn't remember she is a mother of daughters who cared for the impact those criminals had on the children and the family? Not in any way whatsoever.

You would draw a much different conclusion if you just listened to the arguments being made recently here on the floor, and it would be an unfair conclusion.

The bottom line, as far as I am concerned, is this: What they have left out in the presentation is critical to the very truth of their allegations. Judge Ketanji Brown Jackson is in the mainstream of sentencing when it comes to these cases. Seventy to eighty percent

of Federal judges divert from the guidelines as she has in some cases. And, let me add, her accusers have been voting for Federal judges proposed by President Trump right and left who do exactly the same thing she does.

Mr. President, I ask unanimous consent to have printed in the RECORD a New York Times article of March 25, 2022, entitled ''Jackson's Critics Backed Judges With Like Rulings.''

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 24, 2022]

JACKSON'S CRITICS BACKED JUDGES WITH LIKE RULINGS

(By Linda Qiu)

WASHINGTON.—Several Republican senators repeatedly and misleadingly suggested during this week's Supreme Court confirmation hearings that Judge Ketanji Brown Jackson had given uncommonly lenient sentences to felons convicted of child sex abuse crimes.

But all of the Republican critics had previously voted to confirm judges who had given out prison terms below prosecutor recommendations, the very bar they accused Judge Jackson of failing to clear.

Just 30 percent of offenders who possessed or shared images of child sex abuse received a sentence within the range suggested by nonbinding federal guidelines in the 2019 fiscal year, and 59 percent received a sentence below the guideline range. And in general, it is not uncommon for judges to impose shorter sentences than what prosecutors have recommended.

''I listed these seven cases in which you had discretion and you did not follow the prosecutor's recommendation or the sentencing guidelines,'' Senator Josh Hawley, Republican of Missouri, said at Judge Jackson's hearing on Tuesday. ''I'm questioning how you used your discretion in these cases.''

Mr. Hawley's point was echoed by three of his Republican colleagues: Senators Lindsey Graham of South Carolina, Tom Cotton of Arkansas and Ted Cruz of Texas. Mr. Cruz said the sentences imposed by Judge Jackson in cases involving images of child sex abuse were 47.2 percent less than the prosecutor's recommendations on average.

''You always were under the recommendation of the prosecutor,'' Mr. Graham told the judge on Wednesday. ''I think you're doing it wrong, and every judge who does what you're doing is making it easier for the children to be exploited.''

But Mr. Hawley, Mr. Graham, Mr. Cotton and Mr. Cruz all voted to confirm judges nominated by President Donald J. Trump to appeals courts even though those nominees had given out sentences lighter than prosecutor recommendations in cases involving images of child sex abuse. Mr. Graham had also voted to confirm Judge Jackson to the U.S. Court of Appeals for the District of Columbia Circuit in 2021 in spite of the sentencing decisions she had made as a district judge.

In 2017, Judge Ralph R. Erickson was confirmed by a 95-to-1 vote to the U.S. Court of Appeals for the Eighth Circuit, with Mr. Cotton, Mr. Cruz and Mr. Graham voting in the affirmative. (Mr. Hawley was not yet a senator.) While serving as a district court judge in North Dakota, Judge Erickson imposed sentences shorter than the prosecutor's recommendations in nine cases involving child sex abuse imagery from 2009 to 2017, averaging 19 percent lower.

In the case with the greatest discrepancy—in which a 68-year-old man pleaded guilty to possessing and transporting such illicit materials—prosecutors asked for 151 months and Judge Erickson imposed a 96-month sentence.

Judge Amy J. St. Eve was confirmed by a 91-to-0 vote in 2018 to the U.S. Court of Appeals for the Seventh Circuit. While serving as a district court judge in Illinois, Judge St. Eve imposed lighter sentences than prosecutor recommendations in two such cases. In United States v. Conrad, she sentenced a man who transported images of child sexual abuse to 198 months, 45 percent less than the prosecutor's recommendation of 360 months.

All four Republican senators voted to confirm Judge Joseph F. Bianco to the U.S. Court of Appeals for the Second Circuit in 2019. Previously, as a district court judge in New York, Judge Bianco sentenced three defendants to prison terms shorter than what prosecutors had sought.

At a 2013 hearing for a 25-year-old defendant who possessed and distributed illicit materials, Judge Bianco stated that the court had ''discretion'' to impose such sentences and spoke of ''mitigating circumstances''—an echo of what Judge Jackson repeatedly told the senators during this week's hearings. The defendant received a 60-month prison term, while prosecutors had asked for ''a sentence above the 60 months.''

''The guidelines here are just way disproportionate under the facts of this case, and I don't view them as particularly helpful in this case.'' Judge Bianco said at the time. ''I disagree with the government that this case is sort of in the heartland of normal cases. There are a number of mitigating factors in this case that I believe are compelling.''

Most recently, Mr. Cotton, Mr. Cruz and Mr. Hawley voted to confirm Judge Andrew L. Brasher to the U.S. Court of Appeals for the 11th Circuit in 2020. (Mr. Graham was not present for the vote.) As a district court judge in Alabama, Judge Brasher had sentenced a defendant to 84 months in prison, below the prosecutor recommendation of 170 months.

In a 2019 hearing before he issued the sentence, Judge Brasher noted that ''one of the things that I'm required by law to evaluate and consider with respect to'' the defendant ''is disparities between offenders who are similarly situated.''

That, too, was similar to an explanation that Judge Jackson gave for her sentencing decisions.

''Judges all over the country are grappling with how to apply this guideline under these circumstances,'' she told Mr. Hawley on Wednesday. ''The judge is not just evaluating what the government says in these cases. In every criminal case, a judge has to take into account all sorts of factors.''

Mr. DURBIN. It tells a story, and the story is very clear. We have a situation in this country where we have not upgraded the child pornography and sexual misconduct statutes in years. Across the board, 70 to 80 percent of sentences by Federal judges take the same position as Judge Ketanji Brown Jackson. These so-called deviations from the guidelines have become commonplace. As I said, the overwhelming majority of Federal judges are doing this.

Well, is there a problem? There is. But the problem is that we have not upgraded the statute. We bear responsibility for this. The decision was made before the Supreme Court that these guidelines would not be mandatory. It was a decision joined by Antonin Scalia—the originalist, the conservative. It put the burden back on Congress, and we have not picked up that responsibility.

So you say to yourself: Well, if she were so soft on crime, it surely would have shown up in other places. Well, let me tell you what happened. The American Bar Association did a review of her career as a prosecutor, as a defender, on the bench. They interviewed 250 individuals—judges, prosecutors, defense lawyers, other counsel who worked with her.

And I asked, pointblank, Judge Ann Williams, who led this investigation by the ABA: Did you hear from anyone who said she was soft on crime; that she somehow was not in the norm when it came to sentencing?

None. Not one. Two hundred fifty people interviewed, and not one came up with it.

All we have heard against her has come out of the mouths of three or four people on the committee, and that is it because there is no record for it.

Well, how did the American Bar Association grade her when it was all said and done? Unanimously ''well qualified.'' Unanimously ''well qualified.'' It doesn't sound like the same person just described, does it, because it isn't. What you have heard on the floor here is a mischaracterization of her record, and I am sorry to say it is unfair. And I wish it hadn't been part of the record today.

What about Guantanamo? Well, I have some serious differences with the Senator from South Carolina about Guantanamo. Hundreds of detainees have been sent to Guantanamo since the War on Terror began. Many of them should have been there, but hundreds and hundreds of them have been released by Presidents, Republican and Democratic. We are now down to 39 detainees. We are spending over $10 million for each one of them each year at Guantanamo Bay.

And when it comes to the resolution of who was responsible for 9/11, the families have come and testified before us. They have waited over 20 years, and they still don't have an answer. They understand that the approach at Guantanamo Bay is not leading to justice, and it is not answering the basic factual questions.

So what is her situation? Why would she dare to call the Republican President of the United States a war criminal? What was she thinking? Well, it sounds like a terrible charge until you read the facts.

The facts were she presented a brief, and the brief referred to a body of law known as the Alien Tort Statute. And the person she was representing in this brief was arguing that he was tortured and mistreated at Guantanamo Bay. So he filed a claim under the Alien Tort Statute. When you do that, you sue the President of the United States and the Secretary of Defense. They were the named defendants. That included President Bush.

What the Senator from South Carolina failed to disclose was that, as that case was winding its way through, the administration changed, and if there was an allegation of a war crime against President Bush, it was the same allegation that was made when the administration changed and the name of the defendant changed to Barack Obama.

To argue that this was a personal charge against the President of the United States as a war criminal is a gross exaggeration and unfair on its face. The named defendants were required under the Alien Tort Statute for the allegations that were made. That wasn't her decision; that was the decision of Congress to write the specifics of the Alien Tort Statute.

The third point I want to make is immigration. Yes, we have challenges in immigration. I think we all know it. But to blame her and say that she is somehow responsible for the invasion—you saw the crowd of people coming across the border—is really unfair.

What happened was there was a lawsuit filed challenging a Trump decision on policy, and she was asked to rule on it. And she ruled in one direction. The appeal was taken, and she was reversed at the circuit court.

Now, according to the Senator who just made the presentation, evidence she is in the pocket of the radical left when it comes to immigration, evidence that George Soros somehow is controlling her decisions, is preposterous. The fact of the matter is, if you look at almost 600 decisions handed down by Judge Ketanji Brown Jackson, you will find a small, small percentage that were actually reversed.

And if you are looking for a second case to build the theory that she is on the radical left, I don't even think you found the first one. She has a balanced approach. She has ruled for and against Democratic and Republican Presidents. She has shown the kind of balance we expect on the Supreme Court.

I would say this notion that somehow Joe Biden has chosen someone who is radical is a shame. She is not. She is as solid as they come, and her testimony and her appearance before the committee proved that over and over again.

I also want to say I have nothing against the South Carolina judge who was in the finals but wasn't chosen by the President. In fact, President Biden has asked that she be promoted from the Federal district court to the Federal circuit court, and I would like to get that done as quickly as we can. I think Judge Childs is well deserving of that opportunity. She certainly is a good jurist.

But the choice by President Biden was clear, and it was the right choice. These charges that somehow she is soft on crime because she is an African-American woman and she was a public defender belie the actually record of this woman.

We should all be judged on our records. This notion that we are asked to identify ourselves by labels—we know that story, the 100 of us who sit on this side of the Capitol in the Senate Chamber. We are attached to labels which we embrace and some we don't embrace, but most people who are fair will say: I am not going to judge you by your label; I am going to judge you by your record.

If you judge Ketanji Brown Jackson by her record—written opinions, the fact that this was the fourth time she appeared before the Judiciary Committee and had been approved the three previous times, serving on the Sentencing Commission and so many other things—you know that it is an outstanding and stellar record, but you know it almost has to be. If you want to be the first, you have to be the best. She is the best.

Despite some of the things that have been thrown at her today and in other places, the American people came out of that hearing and felt better and stronger about her nomination than before the hearing began. It is evidence of the strengths that she brings to this nomination and the value that she will bring to the Supreme Court.

I yield the floor.

The PRESIDING OFFICER. The Republican whip.

Mr. THUNE. Mr. President, I ask unanimous consent that I be permitted to speak for up to 10 minutes, Senator MURPHY for up to 12 minutes, and Senator GRASSLEY for up to 10 minutes prior to the scheduled vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

2023 FARM BILL

Mr. THUNE. Mr. President, it has now been more than 3 years since the 2018 farm bill, and it is time to start thinking about the next one. The House Agriculture Committee has already begun holding hearings on the 2023 farm bill, and I am hoping that the Senate Agriculture Committee will begin holding hearings soon as well.

Agriculture is the lifeblood of our economy in South Dakota, and advocating for farmers and ranchers is one of my top priorities here in the Senate. I am fortunate enough to be a longtime member of the Senate Agriculture Committee, which gives me an important platform from which to address the needs of South Dakota ag producers.

During my time in Congress, I have worked on four farm bills, and I am particularly proud of the nearly 20 measures I was able to get included in the 2018 farm bill. Among other things, I authored provisions to improve the Agriculture Risk Coverage Program, improve the accuracy of the U.S. Drought Monitor, and include soil health as a research priority at the U.S. Department of Agriculture.

I was also able to secure a number of improvements of the Conservation Reserve Program, including a provision to increase the CRP acreage cap, increased flexibility for acres enrolled in CRP, and cost sharing for fencing and water distribution practices on CRP-enrolled acres.

I also secured approval for a new, short-term alternative to CRP—the Soil Health and Income Protection Program—to provide an option for farmers who don't want to take their land out of production for the 10 to 15 years required under the Conservation Reserve Program.

And I was able to secure important provisions to increase the approval rate of Livestock Indemnity Program applications for death losses due to weather-related diseases.

I would never have been able to get all this done without the input of South Dakota farmers and ranchers. These provisions were a direct result of extensive conversations with South Dakota ag producers that provided insight into the challenges that they were facing and what improvements could be made to make things easier in this demanding way of life.

As I look to the 2023 farm bill, I will once again be relying on South Dakota farmers and ranchers to lend their firsthand knowledge to this effort. In fact, last Friday, I held the first of a series of roundtables I am planning to hold to hear from South Dakota agricultural producers. Friday's roundtable focused on the commodity and crop insurance titles of the farm bill, and I was grateful to be able to hear from representatives of the South Dakota Farm Bureau; South Dakota corn, soybean, and wheat producers; as well as crop insurance industry representatives.

I will be holding additional roundtables to cover other farm bill priorities, including livestock, conservation, and forestry issues. And, of course, I will continue to rely on the many informal conversations I have with South Dakota ag producers as I travel around the State.

There is nothing worse than having ''experts'' in Washington come in and dictate to the real-world experts: the farmers and ranchers who spend every day producing the food that feeds our Nation. And my goal is always to make sure that any farm legislation is directly informed by farmers and ranchers in South Dakota and around the country. I already have a list of issues that I am looking to see addressed in the next farm bill, and I plan to refine that list over the coming months in my conversations with South Dakota ag producers.

One thing that emerged clearly from Friday's roundtable is the importance of the farm safety net and the critical role of crop insurance and commodity programs. Agriculture Risk Coverage and Price Loss Coverage payments, which help offset losses when prices for agricultural products drop, are not always proving sufficient, particularly with our current high inflation, which has sent the price of inputs like fertilizer soaring.

As I mentioned earlier, I was able to secure improvements to the Agriculture Risk Coverage Program in the

2018 farm bill, and I plan to seek further commodity title program improvements in the 2023 farm bill.

I also want to secure further improvements to the Conservation Reserve Program. From my conversations with South Dakota ag producers, it is clear that we need to make changes to ensure that CRP continues to be an effective option for producers and landowners. In fact, last week, I introduced the Conservation Reserve Program Improvement Act, which I will work to get included in the 2023 farm bill.

Among other things, my legislation would make CRP grazing a more attractive option by providing cost-share payments for all CRP practices for the establishment of grazing infrastructure, including fencing and water distribution. And it would increase the annual payment limit for CRP, which hasn't been changed since 1985, to help account for inflation and the increase that we have seen in land values. This would expand the enrollment options available to landowners to ensure the program effectively serves farmers and ranchers, as well as conservation goals.

The Conservation Program Improvement Act is the first of multiple bills I plan to introduce in the runup to the 2023 farm bill to address the concerns of farmers and ranchers.

The one issue I have been working on extensively over the past year is the challenges facing livestock producers, particularly cattle producers. I will work to make sure the farm bill will provide resources to help them face these challenges.

The life of a farmer and rancher is a challenging one. The work often starts long before the Sun rises and concludes long after the Sun has set. The labor can be backbreaking, not to mention the deep uncertainty that goes along with this existence. There are few other industries so subject to the whims of the weather, which can wipe out an entire crop or herd in a very short period of time.

I am profoundly grateful for all those who have chosen and continued this way of life, often for generations. The food we eat every day depends upon their work, and our country would not long survive without them. I am proud to have the honor of representing South Dakota's farmers and ranchers here in the Senate, and I will continue to work every day to ensure that their needs are addressed. I look forward to ensuring that the 2023 farm bill reflects the priorities of South Dakota farmers and ranchers and farmers and ranchers around our great country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT

Mr. GRASSLEY. Today, I come to the Senate floor to discuss the Trafficking Victims Protection Reauthorization Act. This has been introduced in the House and now introduced in the Senate by this Senator and by my colleague and friend, Senator FEINSTEIN.

This bill is a product of bipartisan work and much collaboration. I also want to thank Senators CORNYN and KLOBUCHAR, who are true leaders in this area and also introduced their trafficking legislation this week. I look forward to continuing to work with those two Senators, as well, on this issue.

Many Americans tend to view human slavery as a thing of the past. We read about it in our history books and collectively cringe at the concept of such injustice. Unfortunately, however, the reality is that human slavery is alive and well, even today, in the form of sex and labor trafficking. According to the State Department's annual Trafficking in Persons Report, human trafficking is a $150 billion business worldwide. Through deception, through threats, through violence, the perpetrators of these crimes will do whatever—whatever—it takes to turn a profit at their victims' expense.

With the introduction of this bill, we are acting as a voice for those human trafficking victims in the United States who cannot speak for themselves. To combat this crime within our borders, we have addressed the scourge on multiple fronts. The bill we have championed would extend several key victims' services programs that were established under the Trafficking Victims Protection Act. It would promote screening of human trafficking victims, enhance training for Federal investigators, and start a pilot program for young people at high risk of being trafficked.

Our bill also includes the Survivor's Bill of Rights, a bill I developed with survivors and an advocate named Amanda Nguyen, which encourages States to ensure that survivors have, at minimum, the rights guaranteed to survivors under Federal law.

Fighting for victims has been one of my top priorities as chairman and now ranking member of Senate Judiciary. I consider it a privilege to shape the law to ensure that trafficking victims receive necessary services. I also take pride in helping law enforcement and prosecutors hold the perpetrators accountable for these selfish acts.

Lastly, this bill has the support of the National District Attorneys Association, Rights4Girls, Shared Hope International, Covenant House, the National Center for Missing and Exploited Children, the Rape, Abuse & Incest National Network, and the National Center on Sexual Exploitation. I am grateful for all of these groups and the important work that they do.

This bipartisan bill is a strong start, and, of course, the work doesn't stop with a single piece of legislation. I look forward to marking this bill up in the Judiciary Committee and getting it signed into law.

PRESCRIPTION DRUG COSTS

Mr. President, on another relatively short matter, as well, something I come to the floor frequently to speak about and something I waited throughout last year to see if the Democrats' approach to prescription drugs was going to become law—and it doesn't look to me like that route is going to be successful.

So I continually bring up another piece of legislation that I am working on with Senator WYDEN. It is a bill that says very clearly that this Senator—and I think I speak for many, many Senators—that we want lower prescription drugs now. I said that in the Finance Committee hearing 2 weeks ago, and I say it again: I want lower prescription drugs now.

What are we waiting for? We have a bipartisan prescription drug package called Wyden-Grassley that will save seniors $72 billion and the taxpayers $95 billion.

Senator WYDEN said during the Finance Committee's most recent drug pricing hearing that ''there is no question that the committee came'' forward—I am going to start this quote over again:

> There is no question that the committee came together in the last Congress and came up with a number of constructive bipartisan reforms. Period. Full stop.

Why aren't we then advancing this bipartisan bill? What is the majority waiting for?

One of my colleagues on the other side tweeted this:

> POTUS has the authority to lower drug prices all on his own—he should use it.

The Congressional Progressive Caucus is calling for this same thing, as well.

And then in the Washington Post, I read this headline:

> Advocates seek other pathways to lower drug prices.

Far-left groups are pushing President Biden to bypass Congress and exert executive authority. Is that some sort of statement that we are giving up on the legislative path? Why would we, in Congress, not move ahead? It is not like all options for legislation have been exhausted.

The majority has spent 15 months attempting to pass their partisan prescription drug bill. It has gone nowhere. It doesn't have 60 votes. But that is not the only option. Has the Democratic majority given up on lowering prescription drug prices and is counting on doing it only by Executive order? Are they saying they have to do it in a way where only Democrats get credit or not do anything at all? Do Democrats really want to help seniors or would they rather have a campaign issue?

The longer we wait, patients and taxpayers are going to continue to pay those high prices, and for some families, that is a suffering position to be in.

Let's work to advance a bipartisan prescription drug bill that can pass with 60-plus votes. We can do it today. It is already negotiated and ready to go. I will work with anyone who wants to pass the bipartisan Wyden-Grassley bill. Just give me a call.

I said something about last year, that you had to sit around and wait for the Democrats to get something done on a totally partisan basis. I don't say that they didn't work hard to get a bill passed that would have reduced prescription drug prices.

But I just didn't sit around all of 2021. In the past 15 months, I want to give you some of the things that I have been doing to try to sell a bipartisan bill. I spoke with President Biden's White House staff—although I did have a short conversation with President Biden himself. I met with Speaker PELOSI. I met with Leader MCCARTHY. I had a phone call with HHS Secretary Becerra. I met with the 10 Democrats who were wise to this issue that you can't pass a bipartisan prescription drug bill.

These 10 House Democrats wrote to the Speaker, way last summer, wanting a bipartisan prescription drug pricing bill. I met with not all 10 of them, but I will bet I met with at least 5 of them, and they were receptive to doing what I am doing. It doesn't mean they were receptive to doing it exactly the way I wanted to do it, but they were receptive to working in a bipartisan way.

Then I met with the Republican and Democrat group that is called the Problem Solvers Caucus Healthcare Working Group.

PETER WELCH, a Democrat from Vermont, has been on top of this issue for years and years. I had breakfast with him.

I met with Congresswoman MCMORRIS RODGERS because she is the top Republican in the House dealing with this issue.

I met with Senators SINEMA and CARPER and other rank-and-file Members of Congress.

While Democrats talk about lowering drug costs, they haven't made any progress. The only bipartisan progress that has been made on drug pricing has been under Republican leadership. If Republicans take control of the Senate next Congress, Republicans will be lowering prescription drug prices. We shouldn't have to wait another 8, 9 months. And who knows who will control the next Congress in the first place. We don't have to wait a whole year. Let's lower prescription drug prices today.

I yield the floor.

TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT

Mrs. FEINSTEIN. Mr. President, I am pleased to join Senator GRASSLEY in introducing the Trafficking Victims Prevention and Protection Reauthorization Act of 2022.

Human trafficking and modern slavery are abhorrent crimes that are a scourge on our country and the world. In 2022, there are an estimated 40 million victims of human trafficking and modern slavery worldwide. These crimes generate approximately $150,000,000,000 of revenue annually.

Perpetrators of human trafficking prey on vulnerable and marginalized communities, which disproportionally impacts women and girls, migrants, people of color, and LGBT individuals.

According to Polaris—the anti-human trafficking organization that runs the National Human Trafficking Hotline—in 2021, the hotline was contacted directly over 13,000 times by victims and survivors of human trafficking in the United States. In the last 2 years, since the beginning of the COVID–19 pandemic, the hotline has had a 60 percent increase in total contacts.

There is also evidence that labor trafficking in the agricultural industry may have increased during the pandemic. In June 2021, Polaris released a report finding that, ''[a]mong reported labor trafficking victims, there was more than a 70 percent increase in those who held H2–A visas.''

This is unconscionable, and more must be done to combat human trafficking. That is why Senator GRASSLEY and I have introduced the Trafficking Victims Prevention and Protection Reauthorization Act of 2022.

This bill builds on the pillars of anti-human trafficking policy—prevention, protection, prosecution, and partnership—in order to protect victims and rid the world of this heinous crime.

This bill aims to prevent human trafficking by requiring enhanced anti-human trafficking education and training for all Federal departments and agencies.

It would also require all Federal contractors to certify that they do not engage in the trafficking of persons and that no human trafficking occurred in that contractor's supply chain. The bill also encourages large private corporations to make the same types of certifications.

I am particularly proud of how this bill advances the goal of protecting victims and survivors of human trafficking. This bill not only reauthorizes existing grant programs, but it also creates a new grant for education and employment training for survivors of human trafficking.

The bill establishes a pilot program that provides services—such as education and employment programs, housing, and substance use disorder treatment—for youth who face a heightened risk of trafficking.

And to continue learning how to best support victims and survivors of trafficking, the bill calls for a study on the accessibility of mental health and substance use disorder services for survivors.

This bill also enhances the Federal Government's ability to prosecute human traffickers.

Importantly, it bars government officials investigating human trafficking cases from engaging in sexual contact with victims during the course of the investigation. And it further provides protection from retaliation and intimidation and creates a new penalty for obstructing human trafficking investigations.

Finally, the bill will facilitate partnerships by creating a new grant program that encourages collaboration between State child welfare and juvenile justice agencies. This is important because youth involved in the juvenile justice and child welfare system face a heightened risk of human trafficking.

Additionally, the bill promotes coordination at the Federal level by encouraging enhanced communication and data sharing between State and Federal agencies and across the branches of government.

This bill will strengthen our government's response to human trafficking as well as the services that we provide to victims and survivors.

I am hopeful that we will be able to pass this bipartisan bill this Congress. I urge my colleagues to support the passage of this important, comprehensive legislation to protect trafficking victims.

The PRESIDING OFFICER. The Senator from Connecticut.

U.S. SUPREME COURT

Mr. MURPHY. Mr. President, the process of confirming a Supreme Court Justice is supposed to be lengthy, thoughtful, rigorous. I am grateful to the Presiding Officer and Chairman DURBIN for doing it right with Judge Brown Jackson.

Judge Jackson has answered hours of questions about her judicial philosophy, why she made certain decisions, why she represented certain clients, how her background has shaped her world view. Nearly every detail of her professional and personal life has been and will continue to be interrogated publicly as she goes through the final stages of this process.

But a strange thing is going to happen when Judge Jackson finally takes her seat on the Supreme Court. She will, after all of this review and scrutiny, become effectively immune from ethics standards.

Why is that? Because every Federal judge—circuit judges, district judges, court of international trade judges, court of Federal claims judges, bankruptcy judges, magistrate judges—every Federal judge is bound by a code of ethics in order to safeguard the judiciary's neutrality and transparency—all Federal judges, except for nine: the Supreme Court.

It is not because the Supreme Court is so highly regarded by the American people. In fact, the opposite is true.

Trust in the institution's reputation is in rapid decline right now. According to a recent C–SPAN poll, only 30 percent—about 37 percent, actually—of likely voters believe that the Supreme Court acts in a ''serious and constitutionally sound manner.''

In a democracy that prides itself on a fair and independent judiciary, that is unacceptable. It is worrying, but it is not surprising. Recent revelations surrounding Justice Thomas and his wife's involvement in the events of January 6 have finally brought attention that

those standards we try to uphold during the confirmation process quickly disappear upon confirmation.

Now, this isn't some new phenomenon. We have seen Justices—both liberal and conservative—promote political fundraisers, speak at partisan events, fail to recuse themselves from cases with pretty clear conflicts of interest. And if the past is prologue—the recent incident that has gained a lot of attention regarding Justice Thomas's family—it won't be the last.

Now, I first introduced a bill that would require the Supreme Court to adopt a code of ethics 10 years ago. And I have reintroduced a version of that bill in every Congress since.

The majority of Americans agrees with me: There is absolutely no reason why the Supreme Court shouldn't be subject to a code of conduct just like every other Federal judge.

But the Court disagrees. John Roberts said in 2011 when he was asked about this:

The Court has no reason to adopt a code of conduct as its definitive source of ethical guidance.

Well, it has a reason now. And to be clear, I am not talking about a code of conduct that is written by Congress. Instead, my legislation would require the Judicial Conference to create a binding code of conduct that applies to all Federal judges and Justices, including those on the Supreme Court.

It is a simple step that would improve transparency, enforce accountability, and restore some lost faith in the institution. And, frankly, because of that diminishing faith, it is in the Court's interest to do everything possible to try to help rebuild public confidence.

During Justice Kavanaugh's confirmation process, Justice Kagan put it best. She said:

> The Court's strength as an institution of American governance depends on people believing [it has] a certain kind of legitimacy, on people believing it is not simply an extension of politics, that its decision-making has a kind of integrity to it.

If people don't believe that, they have no reason to accept what the Court does. Justice Kagan said it well.

And right now, that belief is teetering dangerously close to the edge. The spouse of a Supreme Court Justice was involved in an effort to organize a coup and overthrow of a democratically elected President of the United States. That is extraordinary. That is not normal. It should not be treated as just another flavor of legitimate political action, and the fact that there is no clear binding code of conduct that addresses this kind of behavior and no clear standards of recusal for Supreme Court Justices that the American people can see and trust is just unacceptable.

I think that my Democratic and Republican colleagues can agree on this, the American people deserve to know that our Supreme Court Justices are being held to the highest standards whether they be Justices appointed by Democratic Presidents or Justices appointed by Republican Presidents. It is not enough for us to just trust the Court any longer to self-enforce a secret internal code of ethics.

The highest Court in the land cannot be exempt from the standards that we hold every other Federal judge to. I am glad that this piece of legislation has gained additional cosponsors just over the course of the last week. I hope that it eventually becomes a bipartisan piece of legislation, and I would urge my colleagues to join me in holding the Court to account.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. President, finally, I know votes are pending, but I am also coming to the floor to request, as I will in a moment, unanimous consent for the nomination and approval of Javier Ramirez to be Director of the Federal Mediation and Conciliation Service.

I would guess that not a lot of my colleagues know much about the Federal Mediation and Conciliation Service, and that is because we normally don't have to have a debate over the confirmation of its Director on the floor of the U.S. Senate.

The Agency is an independent one that has been in place since 1947. Its mission is to preserve and promote labor management peace and cooperation by providing mediation and conflict resolution services to industry, government agencies, and communities. The FMCS has 10 regional offices, more than 60 field offices. Its headquarters are here in Washington, DC.

It does the basic blocking and tackling of keeping our economy running. It is charged with trying to avoid conflict between labor and management so that we don't have strikes, so that we don't have work stoppages, so that our economy runs as smoothly as possible. It is a pretty noncontroversial Agency, and the individual who has been selected to run it is equally noncontroversial. He is a career public servant.

Javier Ramirez began at the FMCS in 2005. He is currently the director of Agency initiatives there. To me, this would be a no-brainer, that we could come together and decide as a body that we are going to make sure that we have someone running an Agency that is pretty vital to the smooth flow of our economy and the mediation of disputes between labor and management.

And so I would ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 665, Javier Ramirez, of Illinois, to be Federal Mediation and Conciliation Director; that the Senate vote on the nomination without intervening action or debate; that the motion to reconsider be considered made and laid upon the table; that any statements related to the nomination be printed in the RECORD; and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER (Mr. SCHATZ). Is there objection?

The Senator from Indiana.

Mr. BRAUN. Reserving the right to object.

Mr. President, Senator MURPHY indicates there should be no discussion, really, because this is such a slam dunk. I am coming up to talk about it.

We do not do regular order. Our job is to be there for advice and consent on any nominee. We have tried to shortcut the process, not only on nominations, but even things as important as our budgets. We don't do anything anymore with discussion that gets out maybe the rest of the story.

I believe that on any of these, rather than proceeding to the floor, you ought to at least have a discussion in committee. That didn't happen. There was a vote, but not a discussion.

And when you look at this noncontroversial nominee, I think there are at least some things to think about. Harry Katz, a professor at the Cornell University School of Industrial and Labor Relations, said Mr. Ramirez could be open to expanding the range of disputes that the Agency will consider.

So kind of hinting at some political enterprise that you would be doing more than just interpreting. He is not alone. Wilma Liebman, a former NLRB chair under President Obama, has told media that Mr. Ramirez should be ''open to creative expansion of what the mediators do.''

We need public servants who are going to strictly interpret the law, and this looks like if we don't at least have a recorded vote, it could slip through when it is not maybe as uncontroversial as Senator MURPHY might indicate.

I have reservations about the nominee, mostly about the process, very indicative of the way that things work here in general, not only for nominations, but critical policy. I think that has got to change.

Therefore, I do object.

The PRESIDING OFFICER. Objection is heard.

Mr. MURPHY. I know colleagues are eager to get this vote going, but 20 seconds in response.

This place is grinding to a halt. And it is absolutely extraordinary the number of noncontroversial nominees who are now required to move through full votes, cloture motions on the floor. U.S. Attorneys who never, ever had to come before this floor for votes and debate now do.

This is an exercise in fundamentally breaking the Senate. This place only works with UC. We cannot run every single nominee through regular order or we would be here 24 hours a day, 7 days a week.

I am grateful for my colleague's comments. I hope that we will be able to confirm Mr. Ramirez. But this is the kind of work that the Senate used to be able to do through UC, and it is unfortunate that we continue to have this breakdown in process.

I yield the floor.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session and resume consideration of the Geraghty nomination, which the clerk will report.

The bill clerk read the nomination of Sarah Elisabeth Geraghty, of Georgia, to be United States District Judge for the Northern District of Georgia.

VOTE ON GERAGHTY NOMINATION

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the Geraghty nomination?

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 52, nays 48, as follows:

[Rollcall Vote No. 124 Ex.]

YEAS—52

Baldwin	Heinrich	Reed
Bennet	Hickenlooper	Rosen
Blumenthal	Hirono	Sanders
Booker	Kaine	Schatz
Brown	Kelly	Schumer
Cantwell	King	Shaheen
Cardin	Klobuchar	Sinema
Carper	Leahy	Smith
Casey	Luján	Stabenow
Collins	Manchin	Tester
Coons	Markey	Van Hollen
Cortez Masto	Menendez	Warner
Duckworth	Merkley	Warnock
Durbin	Murphy	Warren
Feinstein	Murray	Whitehouse
Gillibrand	Ossoff	Wyden
Graham	Padilla	
Hassan	Peters	

NAYS—48

Barrasso	Grassley	Portman
Blackburn	Hagerty	Risch
Blunt	Hawley	Romney
Boozman	Hoeven	Rounds
Braun	Hyde-Smith	Rubio
Burr	Inhofe	Sasse
Capito	Johnson	Scott (FL)
Cassidy	Kennedy	Scott (SC)
Cornyn	Lankford	Shelby
Cotton	Lee	Sullivan
Cramer	Lummis	Thune
Crapo	Marshall	Tillis
Cruz	McConnell	Toomey
Daines	Moran	Tuberville
Ernst	Murkowski	Wicker
Fischer	Paul	Young

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the Castner nomination, which the clerk will report.

The bill clerk read the nomination of Georgette Castner, of New Jersey, to be United States District Judge for the District of New Jersey.

VOTE ON CASTNER NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Castner nomination?

Mr. MURPHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from North Carolina (Mr. BURR).

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 125 Ex.]

YEAS—52

Baldwin	Heinrich	Reed
Bennet	Hickenlooper	Rosen
Blumenthal	Hirono	Sanders
Booker	Kaine	Schatz
Brown	Kelly	Schumer
Cantwell	King	Shaheen
Cardin	Klobuchar	Sinema
Carper	Leahy	Smith
Casey	Luján	Stabenow
Collins	Manchin	Tester
Coons	Markey	Van Hollen
Cortez Masto	Menendez	Warner
Duckworth	Merkley	Warnock
Durbin	Murphy	Warren
Feinstein	Murray	Whitehouse
Gillibrand	Ossoff	Wyden
Graham	Padilla	
Hassan	Peters	

NAYS—47

Barrasso	Hagerty	Risch
Blackburn	Hawley	Romney
Blunt	Hoeven	Rounds
Boozman	Hyde-Smith	Rubio
Braun	Inhofe	Sasse
Capito	Johnson	Scott (FL)
Cassidy	Kennedy	Scott (SC)
Cornyn	Lankford	Shelby
Cotton	Lee	Sullivan
Cramer	Lummis	Thune
Crapo	Marshall	Tillis
Cruz	McConnell	Toomey
Daines	Moran	Tuberville
Ernst	Murkowski	Wicker
Fischer	Paul	Young
Grassley	Portman	

NOT VOTING—1

Burr

The nomination was confirmed.

(Mr. KING assumed the Chair.)

The PRESIDING OFFICER (Mr. VAN HOLLEN). Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

The majority leader.

ORDER OF BUSINESS

Mr. SCHUMER. Mr. President, I have an update on today's floor schedule. At 1:45, the Senate was scheduled to hold a procedural vote related to a shell legislative vehicle we could use to pass COVID response funding. Our Republican colleagues have requested that we do not hold a cloture vote on the motion to proceed at the present as we are getting close to a final agreement that would garner bipartisan support.

We are working diligently to finalize language, scoring, and a final agreement on what should be funded in the final COVID package, both domestic and international. As a sign of good faith and to encourage us to come to a final agreement, I will reschedule today's procedural vote to a later time.

H.R. 4373

Mr. President, now, when it comes to replenishing COVID response funding, we simply cannot afford to kick the can down the road. We need more money right away so we have enough vaccines and testing and lifesaving therapeutics.

We want our communities to go back to normal and stay normal.

If a new virus comes—if a new variant comes, and we are not prepared, we could lose that ability to go back to normality, for our schools to stay open, for events to occur, for people to gather. We don't want to do that.

Well, the best way to avoid that from happening if, God forbid, a new variant comes—and it is likely that it will—is to have us prepared, and this COVID legislation has us prepared by having an adequate supply of these new, almost miraculous therapeutics that can greatly reduce the severity of any illness and that can be given right after testing.

We need tests, and we need to make sure that the vaccines we have are ready and updated. We can't wait. We can't wait until COVID is upon us to do this.

The prospect of not being prepared is scary, and Americans should all—Democrats, Republicans—be able to unite in making sure we are prepared. We need to get COVID funding done for the country before the end of the work period. It is very much needed, and so we are going to keep talking with the Republicans so we can hopefully agree to a robust package that keeps our country prepared.

UNANIMOUS CONSENT AGREEMENT—H.R. 4373

Mr. President, I ask unanimous consent that the cloture motion with respect to the motion to proceed to Calendar No. 310, H.R. 4373, ripen at a time to be determined by the majority leader in consultation with the Republican leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

SAVE THE LIBERTY THEATRE ACT OF 2021

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 309, H.R. 3197.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3197) to direct the Secretary of the Interior to convey to the City of Eunice, Louisiana, certain Federal land in Louisiana, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3197) was ordered to a third reading, was read the third time, and passed.

CHIRICAHUA NATIONAL PARK ACT

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 297, S. 1320.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1320) to establish the Chiricahua National Park in the State of Arizona as a unit of the National Park System, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Chiricahua National Park Act''.

SEC. 2. DESIGNATION OF CHIRICAHUA NATIONAL PARK, ARIZONA.

(a) DESIGNATION.—

(1) IN GENERAL.—The Chiricahua National Monument in the State of Arizona established by Presidential Proclamation 1692 (54 U.S.C. 320301 note; 43 Stat. 1946) shall be known and designated as ''Chiricahua National Park'' (referred to in this Act as the ''National Park'').

(2) BOUNDARIES.—The boundaries of the National Park shall be the boundaries of the Chiricahua National Monument as of the date of enactment of this Act, as generally depicted on the map entitled ''Chiricahua National Park Proposed Boundary'', numbered 145/156,356, and dated March 2021.

(3) REFERENCES.—Any reference in a law, map, regulation, document, or other record of the United States to the Chiricahua National Monument shall be considered to be a reference to the ''Chiricahua National Park''.

(4) AVAILABILITY OF FUNDS.—Any funds available for the Chiricahua National Monument shall be available for the National Park.

(b) ADMINISTRATION.—The Secretary of the Interior shall administer the National Park in accordance with—

(1) Presidential Proclamation 1692 (54 U.S.C. 320301 note; 43 Stat. 1946);

(2) Presidential Proclamation 2288 (54 U.S.C. 320301 note; 52 Stat. 1551); and

(3) the laws generally applicable to units of the National Park System, including—

(A) section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of title 54, United States Code; and

(B) chapter 3201 of title 54, United States Code.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the committee-reported amendment be considered and agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported amendment, in the nature of a substitute, was agreed to.

The bill (S. 1320), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

OCEAN SHIPPING REFORM ACT OF 2022

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 311, S. 3580.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3580) to amend title 46, United States Code, with respect to prohibited acts by ocean common carriers or marine terminal operators, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Ocean Shipping Reform Act of 2022''.

SEC. 2. PURPOSES.

Section 40101 of title 46, United States Code, is amended—

(1) by striking paragraph (2) and inserting the following:

''(2) ensure an efficient, competitive, and economical transportation system in the ocean commerce of the United States;'';

(2) in paragraph (3), by inserting ''and supporting commerce'' after ''needs''; and

(3) by striking paragraph (4) and inserting the following:

''(4) promote the growth and development of United States exports through a competitive and efficient system for the carriage of goods by water in the foreign commerce of the United States, and by placing a greater reliance on the marketplace.''.

SEC. 3. SERVICE CONTRACTS.

Section 40502(c) of title 46, United States Code, is amended—

(1) in paragraph (7), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (8), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(9) any other essential terms that the Federal Maritime Commission determines necessary or appropriate through a rulemaking process.''.

SEC. 4. SHIPPING EXCHANGE REGISTRY.

(a) IN GENERAL.—Chapter 405 of title 46, United States Code, is amended by adding at the end the following:

''§ 40504. Shipping exchange registry

''(a) IN GENERAL.—No person may operate a shipping exchange involving ocean transportation in the foreign commerce of the United States unless the shipping exchange is registered as a national shipping exchange under the terms and conditions provided in this section and the regulations issued pursuant to this section.

''(b) REGISTRATION.—A person shall register a shipping exchange by filing with the Federal Maritime Commission an application for registration in such form as the Commission, by rule, may prescribe, containing the rules of the exchange and such other information and documents as the Commission, by rule, may prescribe as necessary or appropriate to complete a shipping exchange's registration.

''(c) EXEMPTION.—The Commission may exempt, conditionally or unconditionally, a shipping exchange from registration under this section if the Commission finds that the shipping exchange is subject to comparable, comprehensive supervision and regulation by the appropriate governmental authorities in a foreign country where the shipping exchange is headquartered.

''(d) REGULATIONS.—Not later than 3 years after the date of enactment of the Ocean Shipping Reform Act of 2022, the Commission shall issue regulations pursuant to subsection (a), which shall set standards necessary to carry out subtitle IV of this title for registered national shipping exchanges, including the minimum requirements for service contracts established under section 40502 of this title.

''(e) DEFINITION OF SHIPPING EXCHANGE.—In this section, the term 'shipping exchange' means a platform (digital, over-the-counter, or otherwise) that connects shippers with common carriers for the purpose of entering into underlying agreements or contracts for the transport of cargo, by vessel or other modes of transportation.''.

(b) APPLICABILITY.—The registration requirement under section 40504 of title 46, United States Code (as added by subsection (a)), shall take effect on the date on which the Federal Maritime Commission states the rule is effective in the regulations issued under such section.

(c) CLERICAL AMENDMENT.—The analysis for chapter 405 of title 46, United States Code, is amended by adding at the end the following:

''40504. Shipping exchange registry.''.

SEC. 5. PROHIBITION ON RETALIATION.

Section 41102 of title 46, United States Code, is amended by adding at the end the following:

''(d) RETALIATION AND OTHER DISCRIMINATORY ACTIONS.—A common carrier, marine terminal operator, or ocean transportation intermediary, acting alone or in conjunction with any other person, directly or indirectly, may not—

''(1) retaliate against a shipper, an agent of a shipper, an ocean transportation intermediary, or a motor carrier by refusing, or threatening to refuse, an otherwise-available cargo space accommodation; or

''(2) resort to any other unfair or unjustly discriminatory action for—

''(A) the reason that a shipper, an agent of a shipper, an ocean transportation intermediary, or motor carrier has—

''(i) patronized another carrier; or

''(ii) filed a complaint against the common carrier, marine terminal operator, or ocean transportation intermediary; or

''(B) any other reason.''.

SEC. 6. PUBLIC DISCLOSURE.

Section 46106 of title 46, United States Code, is amended by adding at the end the following:

''(d) PUBLIC DISCLOSURES.—The Federal Maritime Commission shall publish, and annually update, on the website of the Commission—

''(1) all findings by the Commission of false detention and demurrage invoice information by common carriers under section 41104(a)(15) of this title; and

''(2) all penalties imposed or assessed against common carriers, as applicable, under sections 41107, 41108, and 41109, listed by each common carrier.''.

SEC. 7. COMMON CARRIERS.

(a) IN GENERAL.—Section 41104 of title 46, United States Code, is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''may not'' and inserting ''shall not'';

(B) by striking paragraph (3) and inserting the following:

''(3) unreasonably refuse cargo space accommodations when available, or resort to other unfair or unjustly discriminatory methods;'';

(C) in paragraph (5), by striking'' in the matter of rates or charges'' and inserting ''against any commodity group or type of shipment or in the matter of rates or charges'';

(D) in paragraph (10), by adding '', including with respect to vessel space accommodations provided by an ocean common carrier'' after ''negotiate'';

(E) in paragraph (12) by striking ''; or'' and inserting a semicolon;

(F) in paragraph (13) by striking the period and inserting a semicolon; and

(G) by adding at the end the following:

''(14) assess any party for a charge that is inconsistent or does not comply with all applicable provisions and regulations, including subsection (c) of section 41102 or part 545 of title 46, Code of Federal Regulations (or successor regulations);

''(15) invoice any party for demurrage or detention charges unless the invoice includes information as described in subsection (d) showing that such charges comply with—

''(A) all provisions of part 545 of title 46, Code of Federal Regulations (or successor regulations); and

''(B) applicable provisions and regulations, including the principles of the final rule published on May 18, 2020, entitled 'Interpretive Rule on Demurrage and Detention Under the Shipping Act' (or successor rule); or

''(16) for service pursuant to a service contract, give any undue or unreasonable preference or advantage or impose any undue or unreasonable prejudice or disadvantage against any commodity group or type of shipment.''; and

(2) by adding at the end the following:

''(d) DETENTION AND DEMURRAGE INVOICE INFORMATION.—

''(1) INACCURATE INVOICE.—If the Commission determines, after an investigation in response to a submission under section 41310, that an invoice under subsection (a)(15) was inaccurate or false, penalties or refunds under section 41107 shall be applied.

''(2) CONTENTS OF INVOICE.—An invoice under subsection (a)(15), unless otherwise determined by subsequent Commission rulemaking, shall include accurate information on each of the following, as well as minimum information as determined by the Commission:

''(A) Date that container is made available.

''(B) The port of discharge.

''(C) The container number or numbers.

''(D) For exported shipments, the earliest return date.

''(E) The allowed free time in days.

''(F) The start date of free time.

''(G) The end date of free time.

''(H) The applicable detention or demurrage rule on which the daily rate is based.

''(I) The applicable rate or rates per the applicable rule.

''(J) The total amount due.

''(K) The email, telephone number, or other appropriate contact information for questions or requests for mitigation of fees.

''(L) A statement that the charges are consistent with any of Federal Maritime Commission rules with respect to detention and demurrage.

''(M) A statement that the common carrier's performance did not cause or contribute to the underlying invoiced charges.

''(e) SAFE HARBOR.—If a non-vessel operating common carrier passes through to the relevant shipper an invoice made by the ocean common carrier, and the Commission finds that the non-vessel operating common carrier is not otherwise responsible for the charge, then the ocean common carrier shall be subject to refunds or penalties pursuant to subsection (d)(1).

''(f) ELIMINATION OF CHARGE OBLIGATION.—Failure to include the information required under subsection (d) on an invoice with any demurrage or detention charge shall eliminate any obligation of the charged party to pay the applicable charge.''.

(b) RULEMAKING ON DEMURRAGE OR DETENTION.—

(1) IN GENERAL.—Not later than 45 days after the date of enactment of this Act, the Federal Maritime Commission shall initiate a rulemaking further defining prohibited practices by common carriers, marine terminal operators, shippers, and ocean transportation intermediaries under section 41102(c) of title 46, United States Code, regarding the assessment of demurrage or detention charges. The Federal Maritime Commission shall issue a final rule defining such practices not later than 1 year after the date of enactment of this Act.

(2) CONTENTS.—The rule under paragraph (1) shall seek to further clarify reasonable rules and practices related to the assessment of detention and demurrage charges to address the issues identified in the final rule published on May 18, 2020, entitled ''Interpretive Rule on Demurrage and Detention Under the Shipping Act'' (or successor rule), including a determination of which parties may be appropriately billed for any demurrage, detention, or other similar per container charges.

(c) RULEMAKING ON UNFAIR OR UNJUSTLY DISCRIMINATORY METHODS.—Not later than 60 days after the date of enactment of this Act, the Federal Maritime Commission shall initiate a rulemaking defining unfair or unjustly discriminatory methods under section 41104(a)(3) of title 46, United States Code, as amended by this section. The Federal Maritime Commission shall issue a final rule not later than 1 year after the date of enactment of this Act.

(d) RULEMAKING ON UNREASONABLE REFUSAL TO DEAL OR NEGOTIATE WITH RESPECT TO VESSEL SPACE ACCOMMODATIONS.—Not later than 30 days after the date of enactment of this Act, the Federal Maritime Commission, in consultation with the Commandant of the United States Coast Guard, shall initiate a rulemaking defining unreasonable refusal to deal or negotiate with respect to vessel space under section 41104(a)(10) of title 46, as amended by this section. The Federal Maritime Commission shall issue a final rule not later than 6 months after the date of enactment of this Act.

SEC. 8. ASSESSMENT OF PENALTIES OR REFUNDS.

(a) IN GENERAL.—Title 46, United States Code, is amended—

(1) in section 41107—

*(A) in the section heading, by inserting ''**or refunds**'' after ''**penalties**'';*

(B) in subsection (a), by inserting ''or, in addition to or in lieu of a civil penalty, is liable for the refund of a charge'' after ''civil penalty''; and

(C) in subsection (b), by inserting ''or, in addition to or in lieu of a civil penalty, the refund of a charge,'' after ''civil penalty''; and

(2) section 41109 is amended—

(A) by striking subsections (a) and (b) and inserting the following:

''(a) GENERAL AUTHORITY.—Until a matter is referred to the Attorney General, the Federal Maritime Commission may—

''(1) after notice and opportunity for a hearing, in accordance with this part—

''(A) assess a civil penalty; or

''(B) in addition to, or in lieu of, assessing a civil penalty under subparagraph (A), order a refund of money (including additional amounts in accordance with section 41305(c)), subject to subsection (b)(2); and

''(2) compromise, modify, or remit, with or without conditions, a civil penalty or refund imposed under paragraph (1).

''(b) DETERMINATION OF AMOUNT.—

''(1) FACTORS FOR CONSIDERATION.—In determining the amount of a civil penalty assessed or refund of money ordered pursuant to subsection (a), the Federal Maritime Commission shall take into consideration—

''(A) the nature, circumstances, extent, and gravity of the violation committed;

''(B) with respect to the violator—

''(i) the degree of culpability;

''(ii) any history of prior offenses;

''(iii) the ability to pay; and

''(iv) such other matters as justice may require; and

''(C) the amount of any refund of money ordered pursuant to subsection (a)(1)(B).

''(2) COMMENSURATE REDUCTION IN CIVIL PENALTY.—

''(A) IN GENERAL.—In any case in which the Federal Maritime Commission orders a refund of money pursuant to subsection (a)(1)(B) in addition to assessing a civil penalty pursuant to subsection (a)(1)(A), the amount of the civil penalty assessed shall be decreased by any additional amounts included in the refund of money in excess of the actual injury (as defined in section 41305(a)).

''(B) TREATMENT OF REFUNDS.—A refund of money ordered pursuant to subsection (a)(1)(B) shall be—

''(i) considered to be compensation paid to the applicable claimant; and

''(ii) deducted from the total amount of damages awarded to that claimant in a civil action against the violator relating to the applicable violation.'';

(B) in subsection (c), by striking ''may not be imposed'' and inserting ''or refund of money under subparagraph (A) or (B), respectively, of subsection (a)(1) may not be imposed'';

(C) in subsection (e), by inserting ''or order a refund of money'' after ''penalty'';

(D) in subsection (f), by inserting '', or that is ordered to refund money,'' after ''assessed''; and

(E) in subsection (g), in the first sentence, by inserting ''or a refund required under this section'' after ''penalty''.

SEC. 9. DATA COLLECTION.

(a) IN GENERAL.—Chapter 411 of title 46, United States Code, is amended by adding at the end the following:

''§ 41110. Data collection

''The Federal Maritime Commission shall publish on its website a calendar quarterly report that describes the total import and export tonnage and the total loaded and empty 20-foot equivalent units per vessel (making port in the United States, including any territory or possession of the United States) operated by each ocean common carrier covered under this chapter. Ocean common carriers under this chapter shall provide to the Commission all necessary information, as determined by the Commission, for completion of this report.''.

(b) RULE OF CONSTRUCTION.—Nothing in this section, and the amendment made by this section, shall be construed to compel the public disclosure of any confidential or proprietary data, in accordance with section 552(b)(4) of title 5, United States Code.

(c) CLERICAL AMENDMENT.—The analysis for chapter 411 of title 46, United States Code, is amended by adding at the end the following:

''41110. Data collection.''.

SEC. 10. CHARGE COMPLAINTS.

(a) IN GENERAL.—Chapter 413 of title 46, United States Code, is amended by adding at the end the following:

''§ 41310. Charge complaints

''(a) IN GENERAL.—A person may submit to the Federal Maritime Commission, and the Commission shall accept, information concerning complaints about charges assessed by a common carrier. The information submitted to the Commission may include the bill of lading numbers, invoices, or any other relevant information.

''(b) INVESTIGATION.—Upon receipt of a submission under subsection (a), with respect to a charge assessed by a common carrier, the Commission shall promptly investigate the charge with regard to compliance with section 41104(a) and section 41102. The common carrier shall—

''(1) be provided an opportunity to submit additional information related to the charge in question; and

''(2) bear the burden of establishing the reasonableness of any demurrage or detention charges pursuant to section 545.5 of title 46, Code of Federal Regulations (or successor regulations).

''(c) REFUND.—Upon receipt of submissions under subsection (a), if the Commission determines that a charge does not comply with section 41104(a) or 41102, the Commission shall promptly order the refund of charges paid.

''(d) PENALTIES.—In the event of a finding that a charge does not comply with section 41104(a) or 41102 after submission under subsection (a), a civil penalty under section 41107 shall be applied to the common carrier making such charge.

''(e) CONSIDERATIONS.—If the common carrier assessing the charge is acting in the capacity of a non-vessel-operating common carrier, the Commission shall, while conducting an investigation under subsection (b), consider—

''(1) whether the non-vessel-operating common carrier is responsible for the noncompliant assessment of the charge, in whole or in part; and

''(2) whether another party is ultimately responsible in whole or in part and potentially subject to action under subsections (c) and (d).''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 413 of title 46, United States Code, is amended by adding at the end the following:

''41310. Charge complaints.''.

SEC. 11. INVESTIGATIONS.

(a) AMENDMENTS.—Section 41302 of title 46, United States Code, is amended—

(1) in subsection (a), in the first sentence, by striking ''or agreement'' and inserting ''agreement, fee, or charge''; and

(2) in subsection (b)—

(A) in the subsection heading, by striking ''***Agreement***'' and inserting ''***Agreement, fee, or charge***''; and

(B) by inserting '', fee, or charge'' after ''agreement''.

(b) REPORT.—The Federal Maritime Commission shall publish on a publicly available website of the Commission a report containing the results of the investigation entitled ''Fact Finding No. 29, International Ocean Transportation Supply Chain Engagement''.

SEC. 12. AWARD OF ADDITIONAL AMOUNTS.

Section 41305(c) of title 46, United States Code is amended by striking ''41102(b)'' and inserting ''subsection (b) or (c) of section 41102''.

SEC. 13. ENFORCEMENT OF REPARATION ORDERS.

Section 41309 of title 46, United States Code, is amended—

(1) in subsection (a), by striking ''reparation, the person to whom the award was made'' and inserting ''a refund of money or reparation, the person to which the refund or reparation was awarded''; and

(2) in subsection (b), in the first sentence—

(A) by striking ''made an award of reparation'' and inserting ''ordered a refund of money or any other award of reparation''; and

(B) by inserting ''(except for the Commission or any component of the Commission)'' after ''parties in the order''.

SEC. 14. ANNUAL REPORT TO CONGRESS.

Section 46106(b) of title 46, United States Code, is amended—

(1) in paragraph (5), by striking ''and'' at the end;

(2) in paragraph (6), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(7) an identification of any otherwise concerning practices by ocean common carriers, particularly such carriers that are controlled carriers, that are—

''(A) State-owned or State-controlled enterprises; or

''(B) owned or controlled by, a subsidiary of, or otherwise related legally or financially (other than a minority relationship or investment) to a corporation based in a country—

''(i) identified as a nonmarket economy country (as defined in section 771(18) of the Tariff Act of 1930 (19 U.S.C. 1677(18))) as of the date of enactment of this paragraph;

''(ii) identified by the United States Trade Representative in the most recent report required by section 182 of the Trade Act of 1974 (19 U.S.C. 2242) as a priority foreign country under subsection (a)(2) of that section; or

''(iii) subject to monitoring by the United States Trade Representative under section 306 of the Trade Act of 1974 (19 U.S.C. 2416).''.

SEC. 15. TECHNICAL AMENDMENTS.

(a) Section 41108(a) of title 46, United States Code, is amended by striking ''section 41104(1), (2), or (7)'' and inserting ''paragraph (1), (2), or (7) of section 41104(a)''.

(b) Section 41109(c) of title 46, United States Code, as amended by section 8 of this Act, is further amended by striking ''section 41102(a) or 41104(1) or (2) of this title'' and inserting ''subsection (a) or (d) of section 41102 or paragraph (1) or (2) of section 41104(a)''.

(c) Section 41305 of title 46, United States Code, as amended by section 12 of this Act, is further amended—

(1) in subsection (c), by striking ''41104(3) or (6), or 41105(1) or (3) of this title'' and inserting ''paragraph (3) or (6) of section 41104(a), or paragraph (1) or (3) of section 41105''; and

(2) in subsection (d), by striking ''section 41104(4)(A) or (B) of this title'' and inserting ''subparagraph (A) or (B) of section 41104(a)(4)''.

SEC. 16. DWELL TIME STATISTICS.

(a) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term ''Director'' means the Director of the Bureau of Transportation Statistics.

(2) MARINE CONTAINER.—The term ''marine container'' means an intermodal container with a length of—

(A) not less than 20 feet; and

(B) not greater than 45 feet.

(3) OUT OF SERVICE PERCENTAGE.—The term ''out of service percentage'' means the proportion of the chassis fleet for any defined geographical area that is out of service at any one time.

(4) STREET DWELL TIME.—The term ''street dwell time'', with respect to a piece of equipment, means the quantity of time during which the piece of equipment is in use outside of the terminal.

(b) AUTHORITY TO COLLECT DATA.—

(1) IN GENERAL.—Each port, marine terminal operator, and chassis owner or provider with a fleet of over 50 chassis that supply chassis for a fee shall submit to the Director such data as the Director determines to be necessary for the implementation of this section, subject to subchapter III of chapter 35 of title 44, United States Code.

(2) APPROVAL BY OMB.—Subject to the availability of appropriations, not later than 60 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall approve an information collection for purposes of this section.

(c) PUBLICATION.—Subject to the availability of appropriations, not later than 240 days after the date of enactment of this Act, and not less frequently than monthly thereafter, the Director shall publish statistics relating to the dwell time of equipment used in intermodal transportation at the top 25 ports, including inland ports, by 20-foot equivalent unit, including—

(1) total street dwell time, from all causes, of marine containers and marine container chassis; and

(2) the average out of service percentage, which shall not be identifiable with any particular port, marine terminal operator, or chassis provider.

(d) FACTORS.—Subject to the availability of appropriations, to the maximum extent practicable, the Director shall publish the statistics described in subsection (c) on a local, regional, and national basis.

(e) SUNSET.—The authority under this section shall expire December 31, 2026.

SEC. 17. FEDERAL MARITIME COMMISSION ACTIVITIES.

(a) PUBLIC SUBMISSIONS TO COMMISSION.—The Federal Maritime Commission shall—

(1) establish on the public website of the Commission a webpage that allows for the submission of comments, complaints, concerns, reports of noncompliance, requests for investigation, and requests for alternative dispute resolution; and

(2) direct each submission under the link established under paragraph (1) to the appropriate component office of the Commission.

(b) AUTHORIZATION OF OFFICE OF CONSUMER AFFAIRS AND DISPUTE RESOLUTION SERVICES.—The Commission shall maintain an Office of Consumer Affairs and Dispute Resolution Services to provide nonadjudicative ombuds assistance, mediation, facilitation, and arbitration to resolve challenges and disputes involving cargo shipments, household good shipments, and cruises subject to the jurisdiction of the Commission.

(c) ENHANCING CAPACITY FOR INVESTIGATIONS.—

(1) IN GENERAL.—Pursuant to section 41302 of title 46, United States Code, not later than 18 months after the date of enactment of this Act, the Chairperson of the Commission shall staff within the Bureau of Enforcement, the Bureau of Certification and Licensing, the Office of the Managing Director, the Office of Consumer Affairs and Dispute Resolution Services, and the Bureau of Trade Analysis not fewer than 7 total positions to assist in investigations and oversight, in addition to the positions within the Bureau of Enforcement, the Bureau of Certification and Licensing, the Office of the Managing Director, the Office of Consumer Affairs and Dispute Resolution Services, and the Bureau of Trade Analysis on that date of enactment.

(2) DUTIES.—The additional staff appointed under paragraph (1) shall provide support—

(A) to Area Representatives of the Bureau of Enforcement;

(B) to attorneys of the Bureau of Enforcement in enforcing the laws and regulations subject to the jurisdiction of the Commission;

(C) for the alternative dispute resolution services of the Commission; or

(D) for the review of agreements and activities subject to the authority of the Commission.

SEC. 18. TEMPORARY EMERGENCY AUTHORITY.

(a) DEFINITIONS.—In this section:

(1) COMMON CARRIER.—The term ''common carrier'' has the meaning given the term in section 40102 of title 46, United States Code.

(2) MOTOR CARRIER.—The term ''motor carrier'' has the meaning given the term in section 13102 of title 49, United States Code.

(3) RAIL CARRIER.—The term ''rail carrier'' has the meaning given the term in section 10102 of title 49, United States Code.

(4) SHIPPER.—The term ''shipper'' has the meaning given the term in section 40102 of title 46, United States Code.

(b) PUBLIC INPUT ON INFORMATION SHARING.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Federal Maritime Commission shall issue a request for information, seeking public comment regarding—

(A) whether congestion of the carriage of goods has created an emergency situation of a magnitude such that there exists a substantial, adverse effect on the competitiveness and reliability of the international ocean transportation supply system;

(B) whether an emergency order under this section would alleviate such an emergency situation; and

(C) the appropriate scope of such an emergency order, if applicable.

(2) CONSULTATION.—During the public comment period under paragraph (1), the Commission may consult, as the Commission determines to be appropriate, with—

(A) other Federal departments and agencies; and

(B) persons with expertise relating to maritime and freight operations.

(c) AUTHORITY TO REQUIRE INFORMATION SHARING.—On making a unanimous determination described in subsection (d), the Commission may issue an emergency order requiring any common carrier or marine terminal operator to share directly with relevant shippers, rail carriers, or motor carriers information relating to cargo throughput and availability, in order to ensure the efficient transportation, loading, and unloading of cargo to or from—

(1) any inland destination or point of origin;

(2) any vessel; or

(3) any point on a wharf or terminal.

(d) DESCRIPTION OF DETERMINATION.—

(1) IN GENERAL.—A determination referred to in subsection (c) is a unanimous determination by the commissioners on the Commission that congestion of carriage of goods has created an emergency situation of a magnitude such that there exists a substantial, adverse effect on the competitiveness and reliability of the international ocean transportation supply system.

(2) FACTORS FOR CONSIDERATION.—In issuing an emergency order pursuant to subsection (c), the Commission shall tailor the emergency order with respect to temporal and geographic scope, taking into consideration the likely burdens on common carriers and marine terminal operators and the likely benefits on congestion relating to the purposes described in section 40101 of title 46, United States Code.

(e) PETITIONS FOR EXCEPTION.—

(1) IN GENERAL.—A common carrier or marine terminal operator subject to an emergency order issued pursuant to this section may submit to the Commission a petition for exception from 1 or more requirements of the emergency order, based on a showing of undue hardship or other condition rendering compliance with such a requirement impracticable.

(2) DETERMINATION.—The Commission shall make a determination regarding a petition for exception under paragraph (1) by—

(A) majority vote; and

(B) not later than 21 days after the date on which the petition is submitted.

(3) INAPPLICABILITY PENDING REVIEW.—The requirements of an emergency order that is the subject of a petition for exception under this subsection shall not apply to the petitioner during the period for which the petition is pending.

(f) LIMITATIONS.—

(1) TERM.—An emergency order issued pursuant to this section—

(A) shall remain in effect for a period of not longer than 60 days; but

(B) may be renewed by a unanimous determination of the Commission.

(2) SUNSET.—The authority provided by this section shall terminate on the date that is 18 months after the date of enactment of this Act.

(3) INVESTIGATIVE AUTHORITY UNAFFECTED.—Nothing in this section shall affect the investigative authorities of the Commission as described in subpart R of part 502 of title 46, Code of Federal Regulations.

SEC. 19. BEST PRACTICES FOR CHASSIS POOLS.

(a) IN GENERAL.—Not later than April 1, 2023, the Federal Maritime Commission shall enter into an agreement with the Transportation Research Board of the National Academies of Sciences, Engineering, and Medicine under which the Transportation Research Board shall carry out a study and develop best practices for on-terminal or near-terminal chassis pools that provide service to marine terminal operators, motor carriers, railroads, and other stakeholders that use the chassis pools, with the goal of optimizing supply chain efficiency and effectiveness.

(b) REQUIREMENTS.—In developing best practices under subsection (a), the Transportation Research Board shall—

(1) take into consideration—

(A) practical obstacles to the implementation of chassis pools; and

(B) potential solutions to those obstacles; and

(2) address relevant communication practices, information sharing, and knowledge management.

(c) PUBLICATION.—The Commission shall publish the best practices developed under this section on a publicly available website by not later than April 1, 2024.

(d) FUNDING.—Subject to appropriations, the Commission may expend such sums as are necessary, but not to exceed $500,000, to carry out this section.

SEC. 20. LICENSING TESTING.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Motor Carrier Safety Administration (referred to in this section as the ''Administrator'') shall conduct a review of the discretionary waiver authority described in the document issued by the Administrator entitled ''Waiver for States Concerning Third Party CDL Skills Test Examiners In Response to the COVID–19 Emergency'' and dated August 31, 2021, for safety concerns.

(b) PERMANENT WAIVER.—If the Administrator finds no safety concerns after conducting a review under subsection (a), the Administrator shall—

(1) notwithstanding any other provision of law, make the waiver permanent; and

(2) not later than 90 days after completing the review under subsection (a), revise section 384.228 of title 49, Code of Federal Regulations, to provide that the discretionary waiver authority referred to in subsection (a) shall be permanent.

(c) REPORT.—If the Administrator declines to move forward with a rulemaking for revision under subsection (b), the Administrator shall explain the reasons for declining to move forward with the rulemaking in a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 21. PLANNING.

Section 6702(g) of title 49, United States Code, is amended—

(1) by striking ''Of the amounts'' and inserting the following:

''(1) IN GENERAL.—Of the amounts''; and

(2) by adding at the end the following:

''(2) NONAPPLICABILITY OF CERTAIN LIMITATIONS.—Subparagraphs (A) and (B) of subsection (c)(2) shall not apply with respect to amounts made available for planning, preparation, or design under paragraph (1).''.

SEC. 22. REVIEW OF POTENTIAL DISCRIMINATION AGAINST TRANSPORTATION OF QUALIFIED HAZARDOUS MATERIALS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Comptroller General of the United States shall initiate a review of whether there have been any systemic decisions by ocean common carriers to discriminate against maritime transport of qualified hazardous materials by unreasonably denying vessel space accommodations, equipment, or other instrumentalities needed to transport such materials. The Comptroller General shall take into account any applicable safety and pollution regulations.

(b) CONSULTATION.—The Comptroller General of the United States may consult with the Commandant of the Coast Guard and the Chair of the Federal Maritime Commission in conducting the review under this section.

(c) DEFINITIONS.—In this section:

(1) HAZARDOUS MATERIALS.—The term ''hazardous materials'' includes dangerous goods, as defined by the International Maritime Dangerous Goods Code.

(2) OCEAN COMMON CARRIER.—The term ''ocean common carrier'' has the meaning given such term in section 40102 of title 46, United States Code.

(3) QUALIFIED HAZARDOUS MATERIALS.—The term ''qualified hazardous materials'' means hazardous materials for which the shipper has certified to the ocean common carrier that such materials have been or will be tendered in accordance with applicable safety laws, including regulations.

(4) SHIPPER.—The term ''shipper'' has the meaning given such term in section 40102 of title 46, United States Code.

SEC. 23. TRANSPORTATION WORKER IDENTIFICATION CREDENTIALS.

(a) DEFINITION OF DIRECT ASSISTANCE TO A UNITED STATES PORT.—In this section:

(1) IN GENERAL.—The term ''direct assistance to a United States port'' means the transportation of cargo directly to or from a United States port.

(2) EXCLUSIONS.—The term ''direct assistance to a United States port'' does not include—

(A) the transportation of a mixed load of cargo that includes—

(i) cargo that does not originate from a United States port; or

(ii) a container or cargo that is not bound for a United States port;

(B) any period during which a motor carrier or driver is operating in interstate commerce to transport cargo or provide services not in support of transportation to or from a United States port; or

(C) the period after a motor carrier dispatches the applicable driver or commercial motor vehicle of the motor carrier to another location to begin operation in interstate commerce in a manner that is not in support of transportation to or from a United States port.

(b) TRANSPORTATION WORKER IDENTIFICATION CREDENTIALS.—The Administrator of the Transportation Security Administration and the Commandant of the Coast Guard shall jointly prioritize and expedite the consideration of applications for a Transportation Worker Identification Credential with respect to applicants that reasonably demonstrate that the purpose of the Transportation Worker Identification Credential is for providing, within the interior of the United States, direct assistance to a United States port.

SEC. 24. USE OF UNITED STATES INLAND PORTS FOR STORAGE AND TRANSFER OF CARGO CONTAINERS.

(a) MEETING.—Not later than 90 days after the date of enactment of this Act, the Assistant Secretary for Transportation Policy, in consultation with the Administrator of the Maritime Administration and the Chairperson of the Federal Maritime Commission, shall convene a meeting of representatives of entities described in subsection (b) to discuss the feasibility of, and strategies for, identifying Federal and non-Federal land, including inland ports, for the purposes of storage and transfer of cargo containers due to port congestion.

(b) DESCRIPTION OF ENTITIES.—The entities referred to in subsection (a) are—

(1) representatives of United States major gateway ports, inland ports, and export terminals;

(2) ocean carriers;

(3) railroads;

(4) trucking companies;

(5) port workforce, including organized labor; and

(6) such other stakeholders as the Secretary of Transportation, in consultation with the Chairperson of the Federal Maritime Commission, determines to be appropriate.

(c) REPORT TO CONGRESS.—As soon as practicable after the date of the meeting convened under subsection (a), the Assistant Secretary for Transportation Policy, in consultation with the Administrator of the Maritime Administration and the Chairperson of the Federal Maritime

Commission, shall submit to Congress a report describing—

(1) the results of the meeting;

(2) the feasibility of identifying land or property under the jurisdiction of United States, or ports in the United States, for storage and transfer of cargo containers; and

(3) recommendations relating to the meeting, if any.

(d) SAVINGS PROVISION.—No authorization contained in this section may be acted on in a manner that jeopardizes or negatively impacts the national security or defense readiness of the United States.

SEC. 25. REPORT ON ADOPTION OF TECHNOLOGY AT UNITED STATES PORTS.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report describing the adoption of technology at United States ports, as compared to that adoption at foreign ports, including—

(1) the technological capabilities of United States ports, as compared to foreign ports;

(2) an assessment of whether the adoption of technology at United States ports could lower the costs of cargo handling;

(3) an assessment of regulatory and other barriers to the adoption of technology at United States ports; and

(4) an assessment of technology and the workforce.

SEC. 26. AUTHORIZATION OF APPROPRIATIONS.

Section 46108 of title 46, United States Code, is amended by striking ''$29,086,888 for fiscal year 2020 and $29,639,538 for fiscal year 2021'' and inserting ''$32,869,000 for fiscal year 2022, $38,260,000 for fiscal year 2023, $43,720,000 for fiscal year 2024, and $49,200,000 for fiscal year 2025''.

Mr. SCHUMER. Mr. President, I further ask that the committee-reported amendment be withdrawn; that the amendment, which is at the desk, be considered and agreed to; and that the bill, as amended, be considered read a third time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported amendment, in the nature of a substitute, was withdrawn.

The amendment (No. 5017), in the nature of a substitute, was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. SCHUMER. Mr. President, I know of no further debate on the bill.

The PRESIDING OFFICER. If there is no further debate, the bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 3580), as amended, was passed.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, the Senate has just passed very significant and much needed legislation that will reduce costs for the American people by passing a bipartisan bill to reform unfair shipping practices hurting exports and consumers alike.

We have all seen pictures of scores of ships lining up in ports from Los Angeles to Seattle, to New York, to Savannah. Supply chain backlogs have made it harder for goods to leave these ports and get to their international destinations.

Every single day that goods lie idle in our ports, it costs producers more and more money. It is a serious problem, rippling from one coast to the other.

These backlogs have created serious price hikes. Today, according to one study, the price to transport a container from China to the west coast of the United States costs 12 times as much as it did 2 years ago—12 times. Talk about supply chain backlogs. This is it—a glaring, glaring example.

And, of course, it hurts both ways when shipping costs go up. It affects exports that we send overseas. It affects many of our farmers, who need to export their goods. It also affects the imports that come back. It affects all the goods that Americans buy from overseas—appliances and food and so many other things.

When the cost of shipping is higher, the cost of the goods are higher, and people have to pay too much—a whole lot more.

At the end of the day, it is the American consumer that pays the higher price. Thankfully, this bill will make it harder for ocean carriers to unreasonably refuse American goods at our ports while strengthening the Federal Maritime Commission's ability to step in and prevent harmful practices by carriers.

This bipartisan shipping bill is exactly the sort of thing that the Senate should focus on. It is cost cutting; it is bipartisan; and it will directly give relief to small businesses and consumers alike.

And I would like to thank a good number of my colleagues who helped with this legislation. It was put together and sponsored in a bipartisan way by Senators KLOBUCHAR and THUNE. And Senator CANTWELL, who understands the maritime industry probably better than any other Member in this Chamber, was relentless in pushing this legislation. It went through her committee, and now it has passed the Senate and, hopefully, will become law soon, and she deserves our kudos and accolades for the good job she has done for American consumers, farmers, manufacturers, and everybody else.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Ms. BALDWIN. Mr. President, I rise today in support of Mr. Alex Wagner, the President's nominee to be Assistant Secretary of the Department of Air Force for Manpower and Reserve Affairs; and Mr. Ashish Vazirani, nominee to be Deputy Under Secretary for Personnel and Readiness.

As a Member of the Defense Appropriations Subcommittee, I know that the most important investment for our national security is in our servicemembers—our real competitive advantage with Russia and China.

Mr. Wagner brings a combination of public and private sector experience to the table. He will be key in recruiting, training, and retaining the talent needed to compete in the 21st century.

Absent his leadership, we may miss important opportunities to invest in our servicemembers at a time when we are still standing up a new military branch, the Space Force.

Mr. Vazirani will be responsible for ensuring that we take care of our people, a priority for the Secretary and everyone in this body.

Mr. Vazirani has significant private sector experience as a consultant and manager. Further, he served in the Navy and is the father of a marine. He has the firsthand experience and knowledge that we need to help improve the opportunities available to military families and spouses.

Both of these nominees are needed to help implement important priorities, like the Independent Review Commission's sexual assault recommendations, improving diversity in the force, and addressing mental health and suicide.

Both of these nominees are focused on taking care of our people and ensuring the Department has in place the workforce with the skill sets that we need to be successful in strategic competition with Russia and China.

Put simply, if you are serious about countering Russia and China, you should allow these nominees to be confirmed. And if you are serious about taking care of those who serve, you should allow these nominees to be confirmed.

Therefore, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations, en bloc: Calendar Nos. 477 and 599; that the Senate vote on the nominations, en bloc, without intervening action or debate; that the motions to reconsider be considered made and laid upon the table; that any statements related to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action; and that the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

The Senator from Missouri is recognized.

Mr. HAWLEY. Mr. President, I object.

The PRESIDING OFFICER. The objection is heard.

Mr. HAWLEY. Mr. President, it is now March. It has been 7 months since the disastrous withdrawal from Afghanistan.

Thirteen servicemembers lost their lives in the attack on Abbey Gate along with hundreds of civilians. As a result of the botched evacuation operation, hundreds, if not thousands, of American civilians were left behind to the enemy.

We hear from our friends on the other side of the aisle that my insistence that we actually vote on nominees is unprecedented. I would humbly suggest that the Afghanistan crisis into which this President led our country was unprecedented.

And who has been held accountable for that disaster? No one. Who has the President fired? Who has offered their resignation? Which of the planners at the Department of State or the Department of Defense or the National Security Council have been relieved of duty? No one.

Until there is accountability, I am going to ask that the Senate do the simple task of its job, which is to actually vote on these nominees. The least we could do is observe regular order and vote on these leadership positions at the Department of Defense.

My colleagues say that we have got to put national security first. I agree with them about that. But I believe that begins at the top, with the President of the United States and the leadership of the Department of Defense and the Department of State. I, for one, am not going to stand by and look the other way while this administration systematically endangers our national security, imperils the American people, and watches the sacrifice of our soldiers go by without any accountability, without any change in direction.

Accountability for the Afghanistan disaster is all the more urgent given revelations last month from the U.S. Central Command investigation of the Abbey Gate bombing. The investigative report makes clear that the Administration had ample warning prior to mid-August that Kabul could collapse rapidly in the face of the Taliban's offensive. It shows further how the Administration refused to acknowledge those warnings and act in a timely manner to prepare for Kabul's fall. And it shows in astounding detail just how chaotic the final evacuation effort was, with U.S. servicemembers often left without clear guidance, the State Department constantly missing in action, and the Administration itself intent only on evacuating as many people as possible, regardless of whether those individuals were eligible for evacuation or might pose a threat to America's own security.

I am not willing to look the other way and just pretend that Afghanistan didn't happen, which seems to be the posture that many in this body have adopted. I am not willing to do that. I can't do that because I promised the parents of the fallen that I wouldn't do that.

I am going to discharge my responsibility. And as long as it takes, I will continue to draw attention to what happened at Abbey Gate and to demand accountability for the disaster that this administration has pushed upon this country and upon the people of my State.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Ms. BALDWIN. I am disappointed that my Republican colleague blocked confirmation of these nominations.

These nominees have been held up since last year. They were approved by the Armed Services Committee with a bipartisan vote and only one Member recorded as a no. It is time to end these delays and confirm these nominees.

I yield the floor.

I suggest the absence of a quorum.

Mr. VAN HOLLEN. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. CARPER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNIZING THE COMMISSIONING OF THE USS ''DELAWARE''

Mr. CARPER. Mr. President, I rise today to mark a moment in history for the First State, your neighboring State, to celebrate the first U.S. Navy vessel to be named after Delaware in more than 100 years.

In 2 days, I will be joined by the Secretary of the Navy, the First Lady of the United States, and what will feel like half of Delaware at the Port of Wilmington to commemorate the commissioning of the Virginia Class of nuclear submarine, the USS *Delaware*.

And while the vessel was first officially commissioned underwater and underway on a mission at sea due to the COVID restrictions on April 4, 2020—a first in Navy history—a first in Navy history—this weekend, we will get to give the USS *Delaware*, its crew, and the people of Delaware a fitting celebration above the surface of the water.

It has been a long time coming for the USS *Delaware*. So many people across Delaware and in the Navy have worked hard not just for weeks, not just for months, but for years to make this weekend a reality for our State and the crew.

I would be remiss not to mention my wingman in the U.S. Senate, Senator CHRIS COONS, and our wing-woman in the U.S. House of Representatives, LISA BLUNT ROCHESTER, as well as our Governor John Carney for their longstanding support for the USS *Delaware*. They will be joining us on Saturday to celebrate.

You probably wouldn't be surprised to learn that SSN 791—that is the number assigned to the USS *Delaware*, is not the first Navy vessel to bear the name ''Delaware.''

The first USS *Delaware* was launched in 1776. Its role? Delaying the British Fleet's approach to Philadelphia and thus impeding the ability of the British to resupply their army in our War of Independence. That was the first USS *Delaware*.

The sixth USS *Delaware* was completed in April of 1910. Armed with ten 12-inch guns, it was the most powerful battleship in the world at the time. Over 100 years would pass before another US Naval vessel would bear the name ''Delaware.''

Then, one day in 2012, I came across a letter to the editor from a constituent in Delaware whose name is Steven Llanso. He wrote to the editor. He said: You know, it has been a long time since a ship was built and named after the State of Delaware. Maybe somebody should do something about it.

I thought about it for a while. I thought about it for a couple of weeks, actually. I pulled my staff together and said, ''Why don't we do something about this?'' And they said ''Let's do,'' and we did.

The next week, I was on the phone with then-Secretary of the Navy Ray Mabus, former Governor of Mississippi—us both being former Governors—and a long-time friend, and he would go on to become the longest serving Secretary of the Navy in the history of our country.

I explained the situation to Secretary Mabus. He graciously heard me out and agreed 100 years was a long time. Before we hung up, he said to me, ''Let me think about it, Tom. I will get back to you in a couple of months.'' And true to his word, 3 months later, he gave me a call and said that over the next several years, the Navy would begin construction on not one, not two, but three, maybe four Virginia Class nuclear submarines, and the first one off the line would be named the USS *Delaware*.

Now, I was talking on a mobile phone, but if I had a landline—if I was talking with him through a landline, I could have reached through the landline and kissed him. I was so happy. And I didn't do that. But it was a wonderful moment, one that I relished in, and I certainly do today. He is a great friend, a great leader of the Navy then and a patriot, and he has done so many things for our country. So thank you, Ray.

So this weekend, almost a decade since I first spoke with then-Secretary Mabus, I will have the honor of finally introducing the newest USS *Delaware* to the people of Delaware. And there is a whole lot of it to take in.

The USS *Delaware* is a Virginia Class U.S. nuclear submarine. The *Delaware* will carry 26 MK–48 torpedoes, which enable it to conduct the sub's more traditional role of tracking and, if necessary, sinking enemy submarines, as well as a wide range of surface vessels.

The *Delaware* is also designed for versatile operations in shallow water, closer to land, performing reconnaissance activities, delivering Special Forces. It is also configured to launch Tomahawk cruise missiles which can be launched while the *Delaware* is on patrol. The Tomahawk can strike targets nearly 1,000 miles away with pinpoint—pinpoint—accuracy.

This is one hell of a fighting machine. You know, they have a saying down in Texas you have probably heard. It says ''Don't mess with

Texas,'' and I would just add to that, to our adversaries, ''Don't mess with the USS *Delaware* because, if you do, we will eat your lunch. I promise.''

And, oh, yes. There are 136 crewmembers aboard the USS *Delaware*. They hail from 20 States across our country. Almost half of the States are represented in the crew of our sub. The crew also includes 15 officers and 121 enlisted men, a dozen or so who are chief petty officers. My dad was a chief petty officer for nearly 30 years, World War II and beyond. And he always told me when I was a midshipman, he used to say, ''Tom, the chiefs run the Navy.'' And you know, they did, and my guess is they still do.

But in addition to having an opportunity to introduce the crew of the USS *Delaware* to the people of Delaware this weekend, we will also have an opportunity to introduce Delaware to the crew of the State that they are representing.

With tongue in cheek, I like to describe Delaware as the 49th largest State in the Union, and it is comprised of three counties and 1 million people. We are about 100 miles from north to south and about 50 miles from east to west along our southern border with Maryland, the Presiding Officer's State.

Native Americans, including the Lenape Indians, lived in Delaware for hundreds of years before the Dutch arrived some 400 years ago and established Lewes, DE, the first town in the first State, located where the Atlantic Ocean meets the Delaware Bay.

A quick story: The Dutch were not all that kind to these Native Americans who lived in that greater area which is now Lewes. And the Native Americans literally wiped out the Dutch colony. Later on, the Dutch would come back in greater numbers, be more kind to the Native Americans, and the colony of Lewes grew and prospered.

The British looked askance at this and worried about the growth of this Dutch colony surrounded by British settlements and forces. One night, the Dutch went to bed to sleep in Lewes, DE, and the Brits burned the town to the ground. The next morning, when the Dutch surveyed what happened, there was one house still standing, the Ryves Holt House, believed to be maybe the oldest permanently standing house in North America. The Ryves Holt House is now a part of a national park.

Later on, in 1631, the first Swedes and Finns sailed by what would become the Port of Wilmington. Their sailing ships—the Kalmar Nyckel and the Fogel Grip—took a turn to the west for a couple miles on a smaller river that they named the Christina after Sweden's 12-year-old child queen. Along its banks, they established the colony of New Sweden, where Wilmington stands today. The church they built there is believed to be perhaps the longest continuously serving church in North America—Old Swedes church—and believe it or not, there are now more Swedish-Americans than there are Swedes in Sweden.

Fifty-one years later, William Penn would sail up the Delaware, past Wilmington, past the Port of Wilmington now, to what is called Penn's Landing, about 25 miles north of Wilmington, and carried with him the deeds from the King of England to what would later become the Colony of Pennsylvania and something called ''the Lower Three Counties.'' That would be us, Delaware. But the real Penn's Landing, ironically, was in what is now New Castle, DE—not Pennsylvania, but New Castle, DE.

And there is a legend. Legend has it that not only did he stop there, but he spent the night in Delaware. And later on, he was asked why did he stop in Delaware, and he said, ''Tax-free shopping.'' ''Tax-free shopping.''

A few hundred years later, up the Christina River, 10,000 shipbuilders, mostly women, would build many of the ships, including destroyer escorts and troop landing ships that enabled us to emerge victorious in World War II. And that is only part of the storied history that the USS Delaware joins today.

Throughout Delaware history, the letter ''C'' has figured prominently. Our first settlers planted corn—a lot of it. They raised chickens, a lot of them, and fed them corn. Our State bird is, believe it or not, the ''fightin''' blue hen. Today, there are nearly 300 chickens for every person who lives in the First State of Delaware. Later, we become known as the ''Chemical Capital of the World.'' Thank you, DuPont, for hundreds of amazing, amazing inventions. Delaware's coastline is not large, but the last I checked, it was home to the most five-star beaches than any other State coastline in America—and one of them is Rehoboth. And Rehoboth is a name that is translated to mean ''room for all.''

Not long ago, we built more cars in Delaware per capita than any other State. Not surprising is that they were Chryslers and Chevrolets.

And while we have no sales tax, Delaware is the home of incorporation of half the Fortune 500 and half the New York Stock Exchange. So corporations are important to us. While I don't know what credit card is in the wallet of most of the people on the floor today, there is a good chance it is issued by a bank with operations in Delaware.

Now, that is a lot of C's, but even our political leaders have gotten into the act with names like Carvel, former Governor; Castle, former Governor; Carney, current Governor; COONS, our senior Senator; and CARPER, his wingman. And even though Joe Biden didn't start out as one of the C-boys, he was close, just off by one letter. Joe Biden has ended up, as you know, as our Nation's Commander-in-Chief. That is a lot of C's put together in a very nice way. Not bad for a scrappy kid from Scranton, PA.

By far, the greatest contribution that Delaware has made since the founding of our country occurred on December 7, 1787, when Delaware became the first State to ratify our Constitution. I like to say we are the first to ratify, followed shortly thereafter by Maryland, Pennsylvania, and others; but for 1 whole week, Delaware was the entire United States of America. We opened it up and let others in. And I think for the most part, it turned out pretty well, at least until now. But the Constitution that we ratified on December 7, 1787, would become the most enduring Constitution in the history of the world and by far the most replicated.

You know, none of us are perfect—certainly not me—and our Constitution was not perfect either; but over time, we have made it better, a lot better. Along with the Bill of Rights, it provides a framework, if you will, and a path that has made our country the envy of much of the rest of the world.

But at the end of the day, our Constitution and our Declaration of Independence are words on a piece of paper without the resolve made real by the commitment and sacrifice of men and women who wear and have worn the uniform of our country.

Let me end with this. I suspect that most of my colleagues remember studying the Constitution in school—maybe in grade school, maybe in middle school. I remember it. In fact, my sister and I had to learn and actually recite the Preamble in middle school. As you know, it begins with something like this:

> We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution of the United States of America.

The Preamble of our Constitution doesn't say ''in order to form a perfect Union''; it says ''a more perfect Union.'' Why is that? Because as citizens of our great country, it is up to each of us to do our part to ensure that the arc of American history bends toward perfection and justice, even knowing that we will probably never fully achieve it.

The men who serve and will serve aboard the USS *Delaware* will bear our State's namesake literally for decades to come, maybe a half-century or more, in defense of our Nation. The crewmembers are answering the call of our Nation written over 230 years ago. Through their sacrifice, through their service, may we grow even closer to that more perfect Union. We are—I know I am—grateful for their service today.

May God bless and protect the crew of the USS *Delaware*, both now and in the decades to come, and may each of us live our own lives in ways to ensure

that America remains a nation worthy of their sacrifice so that a government of the people, by the people, and for the people will not perish from this Earth.

USS *Delaware*, long may she sail.

And before I yield back my time, I guess we have been joined on the floor by our friend and colleague, JOHN CORNYN from Texas. And Senator CORNYN, I think maybe before he arrived, I used the phrase—I acknowledged the phrase, ''Don't mess with Texas.'' ''Don't mess with Texas.'' And I went on to explain all the weapons systems that the USS *Delaware* has on board. It is a pretty amazing, incredible submarine. And I said: It is all right not to mess with Texas, but you better not mess—for our adversaries, you better not mess with Delaware, either.

With that, I yield the floor to my friend from Texas, Senator CORNYN.

The PRESIDING OFFICER. The Senator from Texas.

NOMINATION OF KETANJI BROWN JACKSON

Mr. CORNYN. Mr. President, next week, the Senate will vote on the confirmation of Judge Ketanji Brown Jackson to serve as a member of the Supreme Court of the United States.

Since Judge Jackson's nomination was announced, I made it clear that I would go into this process with an open mind, just as I have tried to do with each Supreme Court nominee who has come before the Judiciary Committee during my time in the Senate. This is now my eighth Supreme Court Justice to participate in the confirmation of.

Now, I have seen the good, the bad, and the ugly when it comes to judicial confirmation hearings, and I know that some people expressed concerns about the tough questions that Judge Jackson fielded. I thought she did a credible job answering those questions. She is obviously incredibly smart, but I found her personally very charming as well.

Judge Jackson has received two degrees from Harvard, completed a Supreme Court clerkship, and served on the Federal bench for nearly a decade. I hear no one questioning Judge Jackson's legal credentials, but a lifetime appointment to the Supreme Court requires a lot more than just the right resume. Our constitutional Republic requires judges who rule based on the law, not based on their personal policy preferences or beliefs and certainly not based on a result and working your way back to a justification for that particular result. Judges are required to go wherever the law may lead them.

Justice Scalia, during his lifetime, said: If you haven't made a decision as a judge that you personally disagree with because the law compels it, you are really probably not doing your job as a judge. And I think there is a lot of truth to that. As I say, the job is not to start with the desired result and work backwards and cherry-pick the legal reasoning to justify the decision.

The question we tried to answer—those of us who serve on the Judiciary Committee—last week is, Where would Judge Jackson fit in this mold if confirmed to the Supreme Court? Would she be an impartial umpire who follows the letter of the law or would she attempt to legislate from the bench? The reason that is important is because, under our Constitution, Members of the Senate are supposed to legislate. But that is also the reason why we run for election, and we are held accountable each election for the votes we take and the policy positions we embrace. That is how public policy in America is supposed to be made, not by judges who serve for a lifetime and whom the voters cannot unelect, like they can Members of the Senate. That is why their job is very different.

Before Judge Jackson was named as the nominee for this seat, President Biden outlined what he was looking for in a candidate. Among the many qualities and beliefs that he specified, the President said, tellingly, he wanted someone with a judicial philosophy that ''suggests that there are unenumerated rights in the Constitution, and all the amendments mean something, including the Ninth Amendment.'' Those are code words, and let me explain.

This wasn't a one-off comment by President Biden. He even said on the campaign trail that he would not nominate somebody for the Supreme Court who did not have a view that unenumerated rights exist in the Constitution. Now, translated into English, that is tantamount to saying that judges shouldn't be bound by a written Constitution.

You might wonder, if they are not bound by the text and the words of the Constitution, where does their authority come from?

The President stated and restated a litmus test for his desired Supreme Court candidate, and he has clearly determined that Judge Jackson fits the bill. So I spent my time during the Judiciary Committee hearing asking her about unenumerated or what you might call invisible rights during her confirmation hearing—invisible because they are not in the text.

I told Judge Jackson it is deeply concerning to me and to the people I represent that five unelected and unaccountable Justices could upend the will of the people by invalidating laws or inventing a new right out of whole cloth. We talked a lot about substantive due process. I suggested that she and I nerd out together, since that is not a topic that people typically talk about around the kitchen table, but maybe they do in a sense I will talk about in a moment.

Substantive due process is this theory that somehow, when you combine the 5th Amendment due process clause with the 14th Amendment due process clause, that out of that formula, unwritten and invisible rights can suddenly appear. This is really just judge-made law.

We have seen many examples of this. For example, in Plessy v. Ferguson, the Supreme Court established the shameful doctrine of separate but equal when it came to the treatment of African Americans in our country. Thankfully, that was later overruled by Brown v. Board of Education. But it is an example of the sort of horrific outcomes that can occur when judges—five judges, unelected, lifetime tenured—decide to become policymakers in their own right.

Perhaps most famous in legal circles—certainly in law school—you learn about Lochner v. New York. That was another example of substantive due process where the Supreme Court invalidated some labor regulations with regard to how long bakers could work. In that, the Supreme Court discovered a freedom to contract right—again, nowhere written in the Constitution but another example of a result-oriented outcome based on unwritten constitutional rights.

Now, one of the most famous examples is Roe v. Wade in which the Supreme Court found a constitutional right to an abortion. I asked Judge Jackson if the word ''abortion'' or the word ''marriage'' was found anywhere in the Constitution, and she agreed with me that, no, they are not mentioned in the Constitution.

Now, here is my point. It is not the outcome necessarily, because substantive due process can be used for good or for ill. In other words, the good is when I agree with the outcome, and the ill is when I disagree. But the main problem is that unelected judges are making policy, binding the entire country under the guise of substantive due process, which is nothing but judicial lawmaking. So this doctrine of substantive due process can be used for things you agree with and things you disagree with.

The point is that this has, I think, helped us hone in on the limitless abilities of five Justices to discover new rights that aren't even mentioned in the Constitution and then to eliminate any sort of debate or democratic process where people actually get to vote on public policies because essentially the Supreme Court has taken the issue out of the public square. They said: We have already decided it, and we don't really care what you think.

Even Justice Hugo Black, a noted liberal in the classical sense, said the due process clause itself in the 5th and 14th Amendments was designed to make certain that men would be governed by law, not the arbitrary fiat of the man or men in power. And you would have to update to say ''man or woman,'' obviously.

We all know judges on the Supreme Court and on the Federal bench are unelected and therefore unaccountable to the people. Federal judges discovering rights that do not exist in the written Constitution essentially provides a rudderless and, I would argue, eventually lawless authority to the Supreme Court.

The very nature of our three branches of government is to divide responsibilities among those branches.

As I mentioned, the political branches are the executive branch, the President; legislative branch, obviously that is Congress, the House and the Senate. Our job is far different, and it is important to have judges understand their limited but vital role under the Constitution. Their job is to interpret the laws as written, not to make them up as you go along or to use a smokescreen, like substantive due process, to identify new rights that do not appear anywhere in the Constitution.

If the American people want to amend the Constitution, which they have done 27 times during our Nation's history, there is a way to do that. Sure, it is a tough battle. You have to win a supermajority of both Houses, and you have to get it ratified by the States. But you can do it, and it has been done 27 times.

But there are people who want to take a shortcut, and they want judges to abuse their authority by identifying these unwritten rights.

Well, what is at stake when that happens? When judges invent new rights, decide issues that are not in their lane, as Judge Jackson liked to say—she would say ''making policy is not in my lane''—or when a judge acts as a policymaker, like Congress is supposed to do, like the executive branch is supposed to do, when judges act that way, they necessarily undermine the American people's right to choose.

The Declaration of Independence notes that the authority of government is derived from the consent of the governed. But how do judges, when they identify unmentioned rights out of whole cloth, how do we, as the American people, get to consent or withhold that consent? Thus, it is easy to see how judge-made law and these smokescreens, like substantive due process, are really methods by which some members of the judiciary undermine the basic and fundamental premise and legitimacy of our laws because the consent of the governed to those judges is irrelevant.

Now, one unfortunate consequence of judge-made law that is not in the Constitution as written, is that anybody who disagrees with you—and this act of judicial activism—can easily be accused of discrimination or even labeled a bigot, even if their belief is derived from religious conviction, which is expressly protected by the Constitution. This is what happens when invisible rights conflict with rights that are actually written into the Constitution, like the First Amendment, like the right to religious liberty.

President Biden assured the American people that he would nominate somebody who believed in unenumerated rights, so I asked Judge Jackson a logical question: What unenumerated rights are there?

The American people deserve to know. Certainly, in casting our vote for or against a nomination, the Senate deserves to know. But she refused to provide an answer.

This isn't the only place where Judge Jackson was less than candid. My colleagues and I repeatedly asked Judge Jackson about her judicial philosophy, a standard question during these confirmation hearings. Now, Judge Jackson has a marvelous legal education. She has vast practical experience because she was a public defender, a Federal district judge, a circuit court judge, and now will serve on the Supreme Court.

So when you ask a judge with that sort of pedigree, ''Tell us about the way you decide cases: What is your judicial philosophy?'' Well, it is not a trap or a trick question. It is something that every Supreme Court nominee has been asked to describe.

Most recently, Judge Barrett identified her judicial philosophy, describing herself as a ''textualist'' and an ''originalist.'' Now, those are awkward terms, but I think what that means is she believes in interpreting the law as written and as understood at the time it was written. That is what she refers to as a ''written Constitution.''

Judge Jackson previously suggested she didn't have a judicial philosophy at all—something I find impossible to believe with somebody with this sort of experience and background and incredibly impressive education.

During her confirmation hearing, she failed to provide much clarity beyond offering vague statements about her methodology. But her methodology is not a philosophy. We need a clear understanding of how Judge Jackson views judge-made law and the invisible—you might say ''unenumerated,'' in the words of President Biden—rights that she finds in the Constitution.

In order for me to fulfill my responsibility as a Member of the Senate to provide advice and consent, I need to know and understand how Judge Jackson interprets the law and the Constitution, not asking her to make specific commitments on results or outcomes. I would never do that because judges are supposed to interpret, apply the law to a case-by-case method. But after repeated questioning, the judge refused to answer that question.

The prism or philosophy through which a Supreme Court nominee views the law and interprets the Constitution is a critical indicator for determining if the judge will ''stay in her lane''—again, those were the terms that Judge Jackson used—or whether she will become a policymaker that President Biden and outside groups like Demand Justice want her to be.

Demand Justice is an advocacy group that advocates defunding the police and progressive solutions to society's problems. They don't want her calling balls and strikes; they want her putting her thumb on their side of the scale and judging in a results-oriented fashion.

As I reviewed Judge Jackson's record, I saw some examples of activism bleeding through her decisions. One of Judge Jackson's opinions from her time on the DC district court demonstrates the serious concerns that I have about her ability to follow the letter of the law as expressed by Congress as opposed to her personal preferences.

In the case Make the Road New York v. McAleenan, a progressive organization challenged the Trump administration's regulation of expedited removal proceedings for people who illegally enter our country without the appropriate paperwork. The Immigration and Nationality Act gives the Department of Homeland Security ''sole and unreviewable discretion'' to apply expedited removal proceedings. Expedited removal is actually a deterrent for illegal immigration because if migrants realize that without authorization they enter the country and they are going to be removed on an expedited basis, a whole lot of them won't spend the money and take the time on that dangerous journey from their home to our shores or to our border if they know they are not going to be successful. So this was not a minor matter. But the Immigration and Nationality Act doesn't leave any gray area for interpretation. Sole and unreviewable discretion is as clear as it comes.

Judge Jackson, who presided over this case, decidedly did not stay in her lane. She went beyond the unambiguous text to deliver a political win to a progressive group and, in the process, entered an injunction barring the use of this tool that is needed by our Border Patrol and immigration authorities in order to deter people from violating our immigration laws.

Unsurprisingly, her decision was appealed and ultimately overturned by the DC circuit court. I think this is a clear-cut example of Judge Jackson ignoring the law as written in order to achieve a result that she preferred.

The critical point to underscore is that as Members of Congress, we are elected and accountable. We can get elected, and we can get unelected when our constituents don't like what we are doing. But our authority comes from the electoral process, which is another way of saying the consent of the governed, as I mentioned, in the Declaration of Independence.

With each bill that is signed into law, we are interacting with the will of our constituents. And if they don't like what we are doing, you can bet we hear from them and certainly will in the next election, if not before.

But by ignoring these laws passed by Congress and signed by the President, Judge Jackson is doing more than just disregarding Congress; she is rejecting the right of the American people to govern themselves, to consent to the laws or withhold their consent.

If given a lifetime appointment to the Supreme Court, I have to wonder: How many other laws would Judge Jackson ignore? How many other precedents would she seek to overturn simply because she doesn't agree with them? How far would she go to achieve

a specific result by discovering unenumerated and, hence, invisible rights, whether it relates to immigration, abortion, religion, the Second Amendment, or anything else you might imagine that the Supreme Court might consider?

The separation of powers between the three coequal branches of government is a central feature of our constitutional democracy. Not only do we have three branches, we also have multiple levels of Federal, State, and local governments—a Federal system. That is because the Founders of this great country and the people who ratified the Constitution believed that the best way to protect their liberty was by enacting checks and balances on the authority of government because they didn't trust any person to stay in their lane. They wanted checks and balances to make sure there was a method of enforcing elected officials, including judges, to stay in their lane.

Sixth Circuit Chief Judge Jeffrey Sutton recently wrote a book whose title sums up the overarching debate with a single, succinct question. Ultimately, this is a question of who decides. Do we the people decide? Do our elected representatives whom we delegate the authority to make decisions on our behalf, do they decide or do unelected, lifetime-tenured, unaccountable Federal judges—are they free to be roaming policymakers, enacting judge-made law, which actually contradicts or conflicts with the will of the American people, as evidenced by the laws passed by their elected representatives? When there is a conflict between the different levels or branches of government, who decides is how we determine who holds the power to make decisions that impact every citizen in this country. And as I said, all power, political and government authority, is derived from the people.

Voters select Senators, Congressmen, even the President of the United States, but they have no direct say in the process of selecting Supreme Court Justices. That is why our responsibility, part of the Constitution known as advice and consent—that is why our constitutional obligation is so important.

We have the responsibility to determine whether a nominee understands the important but limited role of Federal judges and can be expected to act with restraint, fairness, impartiality, and ultimately in the best interest of the American people.

Ultimately, I fear Judge Jackson has a blind spot when it comes to judge-made law, and she would use her seat on the Supreme Court to create new rights out of whole cloth and engage in result-oriented decision making.

For that reason, I will oppose Judge Jackson's confirmation to the Supreme Court of the United States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I am here on a very important bipartisan bill, but I first wanted to address the fact that I am proud to be supporting Judge Jackson.

I think she has incredible legal experience—more experience as a judge going into the job than four of the people had when they went on to the Supreme Court.

She is in the top two for trial experience. She showed incredible grace under pressure when one over-the-top, inappropriate question was asked of her after another.

She will be walking into that Supreme Court with her head held high, and she is going to be confirmed next week.

As I said, I will speak more to this later. I spoke a lot about it in the Judiciary Committee, but she is going to be a great Supreme Court Justice.

OCEAN SHIPPING REFORM ACT

Mr. President, I rise today to highlight my bill with Senator THUNE, which just passed the Senate, the Ocean Shipping Reform Act.

We worked for months together on this bill to come to an agreement. We did everything right and got cosponsors on both sides of the aisle. I particularly want to thank Baz, my staff member on the Commerce Committee, who did such a great job in working on this. And I also want to thank Senators CANTWELL and WICKER for their support of the bill as the chair and ranking member on the Commerce Committee. We worked together on some changes to the bill, and I appreciated their input.

As U.S. Senators representing Minnesota and South Dakota, Senator THUNE and I know how crucial it is for American businesses to be able to export throughout the country and across the globe. American farmers feed the world, and consumers and businesses look to them for in-demand agricultural goods like soybeans, corn, dairy, poultry, pork, and beef, just to name a few. And American manufacturers support so many of the essential parts and products that fill our jobs, businesses, and store shelves.

As I look at our economy as we come out of this economic downturn, we must be an economy and a country that makes stuff, that invents things, that exports to the world. No matter how much American ingenuity we have—and there is a lot of it—if ships owned by foreign interests are going to other countries with empty containers and exporting nothing but air and then come to our country filled with foreign goods, that is not exactly an even playing field.

As the past 2 years have highlighted, significant supply chain disruptions and vulnerabilities have occurred. There are many answers here, one of them being workforce, one of them being port infrastructure and rail infrastructure and the like, but what we have seen when it comes to shipping—and I am so glad my colleague from South Dakota has joined me here on the floor—what we have seen in the middle of the country, where people are pretty sensible, all of a sudden they are looking at this, and they see the price of shipping containers increase by four times in just 2 years. Four times—that is not normal.

We have also heard from U.S. companies that they have only been able to ship 60 percent of their orders because they can't access the shipping containers. At the same time, these ocean carriers—almost all foreign-owned—have reported record profits. It is estimated that the container shipping industry made a record $190 billion in profits in 2021, a sevenfold increase from the previous year.

Their financial performance isn't a result of improved performance when our manufacturers and farmers can't ship out their goods, no. They are fleecing consumers and exporters because they know they can get away with it, and this is all while exporters and consumers are literally paying the price for the supply chain disruptions caused by unreliable service.

(Ms. CORTEZ MASTO assumed the Chair.)

We need to get exports to those who need them, but it is plainly obvious that the ocean carriers are prioritizing non-American shipments at the expense of both American exporters—as in manufacturers, so many of them in Minnesota and South Dakota, as Senator THUNE knows, being small businesses—as well as farmers and American consumers. It isn't sustainable, and it isn't acceptable. We can't let ocean carriers slow down our supply chain while shaking down our American businesses and farmers for their own profit.

That is why we introduced the Ocean Shipping Reform Act. It just passed the Senate. Our bill protects American farmers and manufacturers by making it easier for them to ship ready-to-export goods waiting at our ports. Our bill aims to level the playing field for American exporters by updating the Federal rules for the global shipping industry.

It will give the Federal Maritime Commission greater authority to regulate harmful practices by these big international carriers. It directs the Federal Maritime Commission to issue a rule prohibiting international ocean carriers from unreasonably declining shipping opportunities for U.S. exports. This will make it harder for them to leave our products behind, just sitting there at a port, in favor of shipping over to China, sailing over to China, and then bringing their products back to us.

In addition to giving the FMC more authority to investigate bad practices by ocean carriers, the bill also directs the Federal Maritime Commission to set new rules for what the international carrier companies can reasonably charge and require them to certify and ultimately prove that fees that they charge are fair. As rates continue to climb, this is more urgent than ever.

And I personally believe that, even before this rule goes into effect, the fact that we passed this unanimously in the U.S. Senate sent a pretty strong shot across the bow because there is so much more we could do and we will do if this practice continues.

As I was working on this bill with Senator THUNE, I heard about exporters who wanted to speak out against these predatory practices but were scared into silence because they feared that the ocean carriers would retaliate. That is why our bill includes strong anti-retaliation protection for shippers. In short, this bipartisan legislation says to the foreign-owned shipping alliances: Charge fair prices, stop profiting off our backs, and fill your empty crates with American-made products.

Senator THUNE and I have a bipartisan group of 29 cosponsors representing a variety of regions: Senators CANTWELL; WICKER; BALDWIN; HOEVEN; STABENOW; MARSHALL; PETERS; MORAN; BLUMENTHAL; YOUNG; KELLY; CRAPO; SMITH of Minnesota; BLACKBURN; BOOKER; ERNST; CORTEZ MASTO, the Presiding Officer; BRAUN; WARNOCK; RISCH; BENNET; CRAMER; WYDEN; BLUNT; VAN HOLLEN; BOOZMAN; FISCHER; PADILLA; and HICKENLOOPER.

The legislation earned the endorsement of the American Association of Port Authorities, which represents more than 130 Port authorities across North and South America, including my own port of Duluth. This bill is also endorsed by more than 100 organizations, including the Agriculture Transportation Coalition, the National Retail Federation, the American Trucking Associations, and the Consumer Technology Association.

I also want to mention the House leaders on this bill—Representatives JOHN GARAMENDI and DUSTY JOHNSON of South Dakota—whose companion legislation has already passed the House. I see this as a truly bipartisan solution to a problem that is impacting millions of Americans and a great example of what is possible when we work together.

I want to congratulate Senator THUNE for his great leadership. He may be a bit taller than I, but we have worked together on many, many things across our borders.

The PRESIDING OFFICER. The Republican whip.

Mr. THUNE. Madam President, let me just join my friend and colleague and neighbor from across the border, Senator KLOBUCHAR, in just acknowledging the passage of something that is really important and credit to her staff, who I know worked tirelessly on this, and members of my staff—in particular Chance Costello—who worked tirelessly trying to find that common ground and thread the needle to get this done in a way that would expedite its passage here in the Senate.

As Senator KLOBUCHAR pointed out, the leadership on the Commerce Committee—Senators CANTWELL and WICKER—and their staffs also were instrumental in helping us get this across the finish line. But as Senator KLOBUCHAR pointed out, I think this is a good example of how, if you are willing to keep grinding and keep working at it, you can come up with solutions that are bipartisan and solutions that really get at problems that we are facing in this country.

I don't think anybody would argue that we have a supply chain crisis in America. It has heightened the importance of addressing some of these shipping challenges; and our legislation, although it may not be the end-all, certainly takes us a long way toward addressing what have been identified as many of the problems associated with trying to get the goods and products through our port system into the United States and, as importantly, trying to get those products, those things that we raise and grow and manufacture here in the United States, to their destinations around the world.

And there have been lots of examples which Senator KLOBUCHAR has alluded to that she and I and our staffs have, in visiting with stakeholders out there, people who were impacted by these bottlenecks that exist today—as we have listened to them, much of that input and feedback was incorporated into this legislation.

So it does take strong measures to help tackle supply chain slowdowns, and it does level the playing field for American exporters, including South Dakota ag producers. It does this in several ways. She has covered it well, but let me just briefly touch on a couple of things. It does this by giving the FMC, or the Federal Maritime Commission, new authorities to crack down on unfair ocean carrier practices, whether that is a refusal to carry certain cargoes or discrimination against certain commodities for export.

We have all heard these examples—Senator KLOBUCHAR alluded to this—of containers leaving the ports in the United States that are empty, filled with air, or the carriers making determinations based upon the value of certain products instead of—and then assessing detention and demurrage fees sometimes on shippers that are unfair and unrelated, really, to anything that they have done.

So providing the FMC with more tools to quickly resolve detention disputes, bringing greater efficiency and transparency to a process that leaves many shippers frustrated—and especially small businesses—is what this legislation is all about. These improvements, we believe, are going to bring long-term, positive changes to the maritime supply chain, which I hope will benefit not only exporters but importers and consumers alike.

The legislation not only levels the playing field for producers in South Dakota and across the Nation, but it will also benefit exporters, small businesses, and, as I said, consumers across this country.

So I hope, as she does, that our colleagues in the House will be able to take this up and pass it. There has been some good work done there already, much of it by my colleague in South Dakota, a Member of the congressional delegation from our State, DUSTY JOHNSON, who has been the leader on this legislation in the House of Representatives when it passed earlier this year. And now, we have our chance here in the U.S. Senate.

And it is a product of a tremendous amount of work. Senator KLOBUCHAR's staff and my staff spent not weeks but months negotiating—and, you know, there are always disagreements. There are always differences. Of course, when you present it to the rest of our colleagues on the Senate Commerce Committee, they have their ideas, unique ideas, about things that they want to fix and change and make better. So it went through that process.

But, ultimately, when we brought it up for consideration in front of the Senate Commerce Committee, there were some amendments that were offered and voted on. People got a chance to have their voices heard. A lot of the ideas that people had were incorporated into the base text, but, ultimately, when it was voted out, it was voted out of the Senate Commerce, Science, and Transportation Committee unanimously. It came out without a dissenting vote, and that, I think, set us up here on the floor of the U.S. Senate to process in a way that, again, included a high level of bipartisanship.

And I credit, too—as we brought it to the floor, there were a couple of issues we had to again deal with, individual Members who had concerns—some with the legislation, some with other issues. But as is always the case here in the U.S. Senate, an individual Senator can assert their rights in a way that enables them, gives them leverage on the process; but we were able to work through those things, and that product today has now passed the U.S. Senate.

Hopefully, if the House is inclined to do so, it would be great if they would pick it up, pass it, put it on the President's desk, and have him sign it into law because I think it will take us a long way down the road toward leveling that playing field and addressing many of the concerns that have been identified by our exporters.

I know that the farm organizations in my State of South Dakota have been very active in influencing this, very concerned about the bottlenecks and their ability to reach export destinations in a way that allows them to maximize their profitability and, in doing so, increase the prosperity of people all across the Midwest in States that we represent where agriculture is the No. 1 industry.

So congrats to those who worked on this, again, to the staff who have labored, and to my colleague from Minnesota. This is not the first time we have collaborated on issues. We share not only a border but, obviously, a lot of commonality in terms of the issues that impact our States; and this is one

in particular where I think the farmers, ranchers, small business people, manufacturers in Minnesota and in South Dakota will all derive a benefit once it is enacted into law.

We are going to do everything we can now to continue to press forward. We have gotten it this far. We need to now get some additional action by the House of Representatives. I am not sure exactly what that looks like, whether that is going to conference with them. Preferably, obviously, they pick up and pass this bill, put it on the President's desk and turn it into law.

I am pleased to be able to be a part of this and to get a result today.

Ms. STABENOW. Will the Senator yield?

Mr. THUNE. I would be happy to yield to our colleague and the chairman of the Senate Ag Committee, who also has big equities in this discussion.

Ms. STABENOW. Madam President, I thank Senator THUNE and Senator KLOBUCHAR. I know that the chair of the Commerce Committee is coming down to speak.

I just wanted to say congratulations. Thank you for your wonderful leadership on this. Obviously, with my hat on as chair of the Agriculture, Nutrition, and Forestry Committee, this is a big deal, as they would say. This is a very big deal to, certainly, all of our growers in Michigan but, I know, across the country.

So thank you for your great bipartisan work, and hopefully, we can get this all the way across the finish line. I know the President is anxious to sign it.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Madam President, I, too, would like to come to the floor and thank my colleagues from the Upper Midwest for their great work on this legislation, the Ocean Shipping Reform Act of 2022.

Our colleagues from the Upper Midwest know how important agriculture products are, and they know how important it is for them to reach their destination. As Senator THUNE was the previous chair of the Commerce Committee, he knows all too well about how products can get boxed out because of other products on the rails.

My colleague from Minnesota knows all too importantly about exports and has been a big supporter of our export economy in general and represents a State that is very robust on the global economy. So her leadership on a very tough issue has been very, very appreciated.

I would like to thank, from the Commerce Committee staff, a variety of people, and from Senator WICKER's staff and from Senator THUNE's. A lot of people worked on this: Nicki Teutschel, Alexis Gutierrez, Dave Stewart, Grace Bloom, Charles Vickery, Eric Vryheid, Michael Davisson, Matt Filpi, and Megan Thompson. From Senator WICKER's staff: Andrew Neely, Fern Gibbons, Brendan Gavin, Paul Wasik, Kyle Fields. And from Senator KLOBUCHAR's staff: Obviously Baz Selassie—couldn't have done it without all of his hard work. He is really the guy behind this. And Senator THUNE's staff: Chance Costello. And certainly Rob Hickman from Senator SCHUMER's staff.

So, today, the passage of this bipartisan legislation couldn't come at a more important time for our growers and producers and exporters; that is, today we are saying that American farmers matter, and their survival matters more than the exorbitant profit of international shipping companies. That is what we really tried to tackle in this legislation. Our two colleagues brought forth this legislation in record time. It was passed in the House of Representatives, led by Congressmen GARAMENDI and JOHNSON. Those two passed that in December, and our colleagues got this bill here in the Senate in February, and we were able to pass it now here at the very end of March.

I thank again our two colleagues—Senator KLOBUCHAR for her leadership and Senator THUNE for getting it done so quickly. Literally, it was introduced in February and passed in March. I hope it is an example of what we can do on other legislation that is affecting our supply chain.

Our economy is built on trading goods in a timely manner with our partnerships from all over the world. Anderson Hay Grain in Washington said:

> The agriculture economy in our region does not work if we don't have competitive access to world markets.

Right now, the supply chain isn't working. Our ports have been clogged. Shipping companies have struggled to keep up with demand, and the costs for American exporters who are trying to get hay and milk and apples to the global market have gone through the roof. It is hurting our consumers here at home as they see prices increase, and it is hurting our exporters when they are looking at products that they are trying to get to market.

American exporters are being charged more and more for containers due to shipping delays that are really out of their control. They are trying not to increase these costs. But, basically, consumers are paying more, and our exporters are having a tough time getting their products to market.

According to the freight index, by September 2021, shipping a container had gone from $1,300 a container to $11,000 a container. Reports and news articles talk about how that has affected our supply chains, that there have been increases in costs in consumer electronics, like computers and other equipment, and in furniture and apparel. They are all seeing increases because of the increases in our shipping costs.

The Federal Maritime Commission found that between July and September of 2021, American businesses were charged $2.2 billion in fees in addition to freight rates. That is a 50-percent increase compared to the 3 prior months.

Getting overcharged is only part of the problem. Some of our businesses can't even get their containers on the ship. During 2021, there was a 24-percent drop in full shipping containers leaving from the Ports of Seattle and Tacoma. That drop increased to 30 percent in January and February of this year. That means 30 percent less containers are leaving for international markets that are full of American products. American exporters and their products are being left on the docks. That is why we wanted to act quickly.

The American farmer, with growing season upon us, can't afford to wait another minute for the Federal Maritime Commission to do its job and help police this market and make sure that our products and our farmers are not being overcharged or left on the dock.

The Washington State Potato Commission reported an 11-percent decrease in exports in 2020 from 2019. According to Darigold, American dairy producers lost $1.5 billion last year due to port congestion and related challenges.

All of this means that getting this legislation onto the President's desk could not be more important. That is why we acted fast in moving this legislation today to give the first reforms to the Federal Maritime Commission in two decades. Those new tools given to the Commission are to increase the rules to prevent American products from being left on the docks; increase transparency so that the fees the shippers are charged are known and they can't be overcharged; and three, prevent the shipping companies from retaliating against our local American businesses.

These three changes are significant changes to the authority, and the committee made sure in the changes to the legislation that these new rules need to be in place in the next few months. We cannot continue to wait for those rules to take place until next year. They need to be done now. That is why the Commerce Committee I am sure will work in a bipartisan fashion to see the implementation of this law and to make sure that the Commission is aggressive in going after the exorbitant fees that are being charged by these international shipping companies.

It is a huge task. The Commission is charged with regulating a $14 trillion international shipping industry. But this industry has done nothing but become more concentrated in the last several decades. As the supply chain challenges unfold, it is clear that the Commission is left trying to rein in the practices of five very large international companies. That is why we had to act fast and we had to be aggressive in making sure the Federal Maritime Commission would work to put rules in place that will help American ag exporters and help protect American consumers.

Again, I thank my colleagues for their great work on this legislation.

The State of Washington desperately needed to see the Federal Maritime Commission reform. I am proud to say that we were able to get a new Federal Maritime Commissioner, Max Vekich—who I think will officially be sworn in soon—from the State of Washington, who has been working on the docks for 40 years. He knows what it takes to move product. He also knows that we need aggressive action by the Federal Maritime Commission to protect all of us from these exorbitant shipping costs and to help us in making sure that products—good American exports, like our apples and hay and wheat—are not left on any dock but reach their destination in foreign markets.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, before I give my remarks, I want to give a shout-out again to our great leader, the chair of the Commerce Committee, Senator CANTWELL. I don't know if this is a record, but Senator CANTWELL moved this bill so fast through the committee, it is amazing. It is just building on the great work of the committee with the Innovation and Competition Act and so on.

Again, on behalf of all the farmers in Michigan and across the country, this is really important legislation.

(The remarks of Ms. STABENOW pertaining to the introduction of S. 3979 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Ms. STABENOW I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

TRIBUTE TO LEAH SEIGLE

Mr. WHITEHOUSE. Madam President, before I get underway with the business that brings me to the floor, I would like to take a moment to say farewell and thank you to a member of my staff who is going on to other pursuits. Her name is Leah Seigle. She is right behind me, and she was my scheduler for many, many years.

As every Senator knows, there is a special relationship between a Senator and a scheduler. They have to be on duty, more or less, 24/7 when we are up and about. They have to deal with our day-to-day life and how it integrates with our offices. They very often are close to and involved with our families, because of having to deal with keeping our family time extant and busy schedules.

So I want to say a word of appreciation to Leah.

I don't know how many speeches she has scheduled me here on the floor for—all the ''Scheme'' speeches, probably all of the ''Time to Wake Up'' speeches, and this one today. This one today she actually gets to be here for and doesn't have to watch on television.

So to Leah Seigle, thank you very much, and to schedulers everywhere, you are important to us.

NOMINATION OF KETANJI BROWN JACKSON

Madam President, the reason I am here is to announce my intention to vote for Judge Ketanji Brown Jackson to be an Associate Justice of the Supreme Court and to congratulate her on the grace and dignity with which she withstood what Chairman DURBIN called her ''trial by ordeal'' in the Judiciary Committee.

Last week, Judge Jackson set the gold standard for patience and courtesy from a Supreme Court nominee. She demonstrated, hour after hour after often-agonizing hour, in plain view the qualities that Rhode Islander and Reagan First Circuit appointee Judge Bruce Selya has praised in her, an outstanding legal mind, an exemplary judiciary temperament, and a depth of experience in the courtroom that none of the sitting Justices possesses.

Judge Jackson reminded us, through her personal story of perseverance and hope, how historic and important it is to have a Black woman about to serve on the U.S. Supreme Court. That story of perseverance and hope stretches back beyond Judge Jackson's own life and work into the experience of Black women through American history, and it illuminates a brighter American future. So I will be proud to cast my vote for her confirmation.

During the Judiciary Committee hearing, there were persistent efforts to rewrite Judge Jackson's own history, to assign to her beliefs she has never espoused. She dispensed with those attempts so effectively that I won't dwell on them here. But there were other attempts in that hearing to rewrite history that I feel obliged to correct here today.

The first is the notion that a Justice must have a ''judicial philosophy.'' That is news to me. If a nominee has a judicial philosophy, it is definitely fair game. It is important to explore that, and it is particularly important to explore that because predisposition can come masked as judicial philosophy. But I don't see where a nominee has to have one, and I would actually suggest we are better off if judges don't, because judicial philosophy can so easily be code for predisposition.

Republicans persisted in that ''judicial philosophy'' quest, asking about ''judicial philosophy'' over 50 times. The favored theme appeared to be the so-called judicial philosophies of originalism and textualism, doctrines which illustrate my concern about predisposition.

The big, dark money donors who ushered the last three Justices onto the Supreme Court love the backward look of originalism. A backward look to an era when industry regulation did not exist because big industry did not exist. Moreover, Republican Justices completely ignore originalism when it suits them. As I pointed out in committee, the entire vast structure of corporate political power in America erected by Republican Justices over years is a continuing affront to originalism.

There was no corporate role in politics in the Constitution or the Philadelphia debates or the Federalist papers. Any of the customary wellsprings of originalism would say that this is a country to be run by we the people. But how happy—how happy—corporate political power makes big Republican donors. So originalism goes out the window, and corporate power gets baked into our system.

Unlike those judicial philosophies of predisposition and of convenience, Judge Jackson said her judicial philosophy is her methodology—''consistently appl[y]'' the ''same level of analytical rigor'' to a case ''no matter who or what is involved in the legal action.'' For a judge, following your oath of office, the constitutional precedents of the Court, and the text of the Constitution itself should suffice. You don't need a judicial philosophy.

So where did this Republican fascination with judicial philosophy come from? Here are talking points distributed by twinned rightwing, dark money influence groups, the so-called Independent Women's Law Center and the affiliated so-called Independent Women's Voice. These groups are tied in with Leonard Leo's massive, secretive $580 million-plus archipelago of front groups, like these, that make up the rightwing donors' Court-capture operation.

They sent these talking points to Republican Senators even before Judge Jackson was selected. These dark money groups noted that ''this nominee is likely to be a woman of color'' and urged the Republicans not argue, ''that the president's selection process led him to choose someone who may not be the best person for the job.''

They said:

> It is . . . important that you focus not on the selection process or on the nominee's paper qualifications, but rather on the need to learn more about the nominee's judicial philosophy.

The marching orders were clear, and 50 efforts at ''judicial philosophy'' discussion later, we saw these talking points play out in that hearing.

This rewrite of history, to presume that every nominee should have a judicial philosophy, just because rightwing nominees have a fake judicial philosophy of originalism that turns out to be sourced to rightwing dark money talking points, it seems to me to be an effort to erase the dangers of having a judicial philosophy, particularly a judicial philosophy that masks predisposition and is selectively applied.

Another rewrite of history came through the witness chosen to highlight Judge Jackson's amicus brief defending a 2000 Massachusetts law establishing buffer zones for protests around abortion clinics.

The witness was a sidewalk counselor, someone who encourages women not to go in and exercise their rights. She seemed like a very nice woman, and she testified that she acted with compassion and love. But history and

my experience don't align with that image of clinic protesters, as I recall personally.

Crowds outside of clinics in Rhode Island in those years leading up to the 2000 law were hostile and intimidating, screaming and accusing of murder, to the point where patients coming in required security escorts to protect them.

I remember pink sweatshirts that safety escorts wore outside Planned Parenthood so that patients could identify who was there to help them and then pass safely.

Activists went back and forth between Massachusetts and Rhode Island to protest outside of clinics.

On the morning of December 30, 1994, bad went to worse. A man walked into a pair of abortion clinics in Brookline, MA. At the first clinic, he shot and killed the receptionist with a modified semiautomatic rifle, then turned on others present—patients, their accompanying partners, staff. He left that clinic and traveled to the second clinic and there continued the slaughter. The man killed two people and wounded five others in this rampage, which shook New England to the core.

I was the U.S. attorney when word came out of these shootings at clinics just 1 hour up the road and that the shooter was still at large. I thought Rhode Island might very well be next. So I went and stood outside the Planned Parenthood clinic just off the highway with my friend and Federal law enforcement colleague U.S. Marshal Jack Leyden, and we stood there on that cold morning until a police cruiser could be posted outside.

I will just say that the environment that led to Massachusetts' buffer zone law passing in 2000 was not an atmosphere of compassion and love, and it is a disservice to the facts to try to rewrite history and pretend that it was.

Another rewrite of history that took place in this hearing was a rewrite of the Brett Kavanaugh hearings.

The Judiciary Committee had been provided evidence in those hearings that young Brett Kavanaugh was an out-of-control drinker with a bad history of behavior around women—most particularly the testimony of this woman that she had been physically assaulted as a young woman.

You would never know of her testimony from the history rewrite offered by Republicans in the recent hearings. You would never know that she came to the Judiciary Committee; that she testified under oath and intense public scrutiny; that she weathered the attentions of a professional prosecutor hired by the Republicans; that she was calm and credible.

And you would never know that the FBI tanked its supplemental background investigation into these allegations, including a tip line whose tips received zero FBI investigation. I have described it before as a tip dump, not a tip line.

The tips related to the nominee were segregated from the regular stream of tips in the FBI tip line and sent, without investigation, to the White House.

Republicans sought to erase all of that by rewriting Kavanaugh hearing history during this Supreme Court hearing. Well, she has a face and she has a name: Dr. Christine Blasey Ford.

And the big rewrite—the big rewrite is to ignore all the evidence that our Supreme Court is now a captured Court, captured in the same way that Agencies and Commissions are sometimes captured by big special interests.

There is a whole literature in administrative law, there is a whole literature in economics about Agency capture or regulatory capture.

Well, even before the Trump Presidency, big, powerful, rightwing donor interests began spending massive sums of money to install Justices on the Supreme Court whom they expected to rule reliably in their favor.

Very often, as the Presiding Officer knows, if you can pick the judges, you can pick the winner.

The 5-to-4 and now 6-to-3 Republican majority on the Court has been steadily delivering for those big donors; over 80—eight, zero—80 5-to-4 partisan wins for big corporate and partisan donor interests under Chief Justice Roberts.

In those 5-to-4 partisan decisions, by the way, where there was an identifiable Republican donor interest involved, it wasn't just the 80 decisions that stood out; it was the fact that the score was 80-to-0. Every single one went their way.

Dark money lurked behind the Federalist Society turnstile that picked the Justices. Dark money lurked behind the secretive Agency down the hall from the Federalist Society that ran the ads for them. Dark money lurks behind the flotillas of front group amici curiae that tell the Justices, in orchestrated chorus, how to rule.

You would never know any of this from our Republican friends in the committee.

But the American people have seen those decisions, and more and more they understand that the Court is rigged; that it is now the Court that dark money built.

Judge Jackson, by contrast, is a walking reminder of what the Court ought to be. She didn't pass through the dark money-funded turnstile at the Federalist Society. She arrived after a lifetime of accomplishment, against unimaginable odds, through a fair and honest selection process, through her merit and abilities.

The attacks on her in the committee were unseemly, but there is no need to dwell on that because at the end of the day, they were sound and fury, signifying nothing.

Judge Jackson will excel on the Supreme Court, and I will proudly cast my vote to put her there.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MARKEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WARNOCK). Without objection, it is so ordered.

IRAN

Mr. MARKEY. Mr. President, Donald Trump relit the fuse that leads to an Iranian nuclear bomb by abandoning the Iran nuclear deal. Now Republicans are urging President Joe Biden to let it go boom.

President Barack Obama crafted the Iran nuclear deal in 2015 to prevent an Iranian nuclear weapon. He had inherited two quagmires in Afghanistan and Iraq, and he was right to prioritize diplomacy to prevent us from falling into a third quagmire.

Donald Trump's unilateral exit from the Iranian deal in 2013 created a nuclear crisis where one did not exist. In the years since that withdrawal, Iran has crept closer to a bomb, restricted access to international inspectors, and set us on a potential collision course to war with Iran.

Our European allies wanted to build upon the Iran nuclear deal, but President Trump and his arms control assassin, John Bolton, used it as target practice, leaving the Biden administration and our allies to pick up the pieces.

On the Republicans' watch, Iran's breakout time, or time required to build enough nuclear material for its first nuclear bomb, went from more than 1 year down to just weeks.

There is simply no good alternative to reentering the Iran nuclear deal. Trump has already tried the alternative. It has failed miserably and made the United States more vulnerable and made the Middle East more vulnerable.

Then-Secretary of State Mike Pompeo laid out a series of demands for Iran in 2018 that read more like a fantasy novel than a foreign policy speech. And where did it get us? Absolutely nowhere, except it got Iran closer to a nuclear weapon than it has ever been before.

No, the reality is that the alternative to diplomacy, our Plan B, is likely to include more sanctions which will lead to more enrichment of uranium and the prospect of another Middle East conflagration. In short, Plan B stands for ''Plan Bad.'' That is what is being urged by the Republican Party, by the Trump supporters. ''Plan Bad'' would endorse Trump's disastrous policy of ''maximum pressure,'' one that gave us maximum enrichment of uranium and other activities prohibited under the Iran nuclear deal.

Plan B means that China's reported work to give Saudi Arabia—Iran's nemesis—the building blocks for a nuclear weapon will only accelerate, and other Gulf countries will jump into the race for a nuclear bomb as well.

Plan B means that Iran's nuclear facilities that are above ground will go underground.

Plan B means that cameras and international inspectors that keep a continuous eye on Iran's facilities will be shuttered permanently, leaving us in the dark about Iran's nuclear intentions.

Under Trump, we saw ''maximum pressure'' generate ''maximum tension'' that put us on a perilous path to war. Trump's Plan B to diplomacy was and continues to be a complete failure.

Indeed, we saw this in 2019, when tensions rose to a decades-long high with the assassinations of Qasem Soleimani, followed by Iran's retaliatory strike that injured 200 U.S. troops at an Air Force base in Iraq. Never had we been closer to a war with Iran.

If the sides currently negotiating a new Iran deal are unable to get to yes on a deal, I fear that we will see increasing calls from my Republican colleagues to take military action against Iran. That is not a good option.

My Republican colleagues need to be honest with the war-weary American people that doubling down on the failed policies of the Trump era will likely lead Iran to retaliate by lobbing greater numbers of missiles at our troops or at the region's energy infrastructure. Iran will double down on these failed policies, and that may lead to Iran creating a sea wall to stop traffic in the Strait of Hormuz, creating more of a supply chain pain. And my colleagues need to be honest that doubling down on these policies risks adding to the number of Gold Star mothers who have lost children to unnecessary wars far from home. And, perhaps, most importantly, my colleagues should be honest with the American people that these failed policies have led Iran closer to a nuclear weapon—not further away from a nuclear weapon, closer to a nuclear weapon—day by day, week by week that we have followed the Trump plan.

These are life-and-death stakes. Doubling down on the failed policies of Trump and expecting a different result in Iran is truly the definition of insanity.

The Iran nuclear deal is not a panacea nor was it ever intended to be a panacea. What it is, is a verifiable agreement that cuts off each of Iran's three pathways to a nuclear bomb.

First, Iran will, again, have to cap its enrichment level and ship out its stock of enriched uranium that would otherwise be potential feedstock for a nuclear bomb.

Second, Iran will finish the conversion of its Arak reactor, which will close off its plutonium path to a nuclear bomb.

And, third, and most importantly, inspectors from the international watchdog agency, the International Atomic Energy Agency, will once again get access to the soup to nuts of Iran's nuclear fuel cycle.

If we listen to the same voices who rejected a good deal in search of the impossible, who preached brinksmanship over diplomacy, we will find ourselves stuck, as we are today, with an Iran that could have the ultimate weapon to back its coercion—a nuclear bomb.

Fortunately, this screenplay does not have to end with American men and women marching off to another war in the Middle East, and it does not have to end with Iran entering the worst of exclusive clubs, those with nuclear weapons.

Russian President Vladimir Putin's recent nuclear saber rattling has brought home the stakes of nuclear diplomacy with Iran. A homicidal leader armed with weapons of annihilation is a threat to global peace.

When Putin ordered an increase in the alert level of Russia's nuclear forces a couple of weeks ago, he postponed U.S. intercontinental ballistic missile tests for fear that, in the fog of war, Russia could misinterpret an ICBM launch off the coast of California as a first nuclear strike against Russia. That also explains President Biden's reticence to impose a NATO-enforced no-fly zone over Ukraine.

Putin is failing. Ukraine and its people are winning, with our help. Every fabricated justification for Putin's senseless and illegal war has crumbled. But a direct U.S.-NATO military intervention would pull the world's two largest nuclear powers closer to a war. No simulation, no exercise, no war game can assure us that such a war does not metastasize to engulf all of Europe and lead to the use of nuclear weapons.

Mr. President, here is the scary reality: Vladimir Putin could kill millions upon millions of Americans right now using a fraction of his 4,500 nuclear weapons. That is the perennial threat of nuclear arms.

Conventional logic says that we are safe because a Russian nuclear strike would be both homicidal and suicidal for Putin, but we cannot bank on the fact that Putin, the pariah, has a moral basement. President George W. Bush famously said he looked into Vladimir Putin's eyes and he saw his soul. Thank goodness President Biden sees it for the dark space that it is.

As a result, Russia's war in Ukraine calls on us to challenge tired, old Cold War assumptions that basing our nuclear posture on the balance of terror and relying on the rationality of our leaders will keep the peace—no, it will not. That assumption has to be completely reanalyzed in view of what Putin is doing right now, that pursuing President Reagan's star wars fantasy to knock out nuclear-tipped missiles in space before they fall on American cities is wise; it is not. There is no guarantee that some of those nuclear weapons would not come and destroy American cities and that we should spend a quarter of a trillion dollars to replace the very same U.S. intercontinental ballistic missiles that the President won't even test during a conflict due to fears of escalation; we should not.

Unfortunately, our American democracy and Russia's autocracy do share one major thing in common: Both our systems give the United States and Russian Presidents the God-like powers known as sole authority to end life on the planet as we know it by ordering a nuclear first strike.

As President Richard Nixon grimly described these powers once:

> I can go into my office and pick up the telephone and in 25 minutes, 70 million people will be dead.

We know all too well that American Presidents are not infallible, neither is our early warning system, which is why we need an emergency break to ensure that a case of mistaken identity—a false missile launch—or a President gone wild does not trigger the unthinkable.

We cannot uninvent the atom, its military applications, and technological know-how. The nuclear Pandora's box is sadly forever opened. We must, however, do everything in our power to be able to look the next generation in the eye and say that we did everything—everything—in our power to avert the unfathomable, a nuclear war on this planet; and that includes supporting negotiations that not only end Russia's war in Ukraine, but also future negotiations to end the budding 21st century nuclear arms race which is spinning out of control.

Mr. President, I was a teenager during the Cuban Missile Crisis. Had President Kennedy listened to his generals rather than to his better angels, we might not be here today. This building might not be here. ''Bert the Turtle'' public service advertisements told us to duck and cover under our school desks. Backpack nukes designed to repel the Soviet advance on West Germany rolled off the assembly lines. U.S. and Soviet leaders were awoken in the middle of the night to false alarms of nuclear Armageddon. These events must forever belong to our past, not to our future.

A future held together by the fear of annihilation is a burden, not an inspiration. But Congress can shape a safer more inspiring future by supporting President Biden's efforts to reenter a good Iran nuclear deal, and we can and we must hold ourselves to a higher standard than Russia when it comes to resting the fate of humanity in the hands of just one human being.

This is a subject that should command the attention of every single American. We have to move further away from the threat of a nuclear catastrophe, not get closer to it; and that is why we must support a reentry into a good Iran nuclear deal. The alternative is frightening for the future, not just of the Middle East, but for our country and the entire planet.

MORNING BUSINESS

INCREASING MEMBERSHIP TO THE SENATE NATO OBSERVER GROUP

Mr. SCHUMER. Mr. President, due to the current events happening in Europe, the minority leader and I have

agreed to increase the membership of the Senate NATO Observer Group by two additional Senators. For the additional Democratic Senator, I ask that Senator ROSEN be added to participate in the Group.

ADDITIONAL STATEMENTS

TRIBUTE TO BRIAN W. NESS

● Mr. CRAPO. Mr. President, along with my colleagues Senator JIM RISCH, Representative MIKE SIMPSON and Representative RUSS FULCHER, we congratulate Brian Ness on his retirement after 13 years of outstanding service as director of the Idaho Transportation Department, ITD.

In 2009, Brian Ness was appointed to serve as director of the Idaho Transportation Department, and he has been responsible for an annual budget of approximately $800 million and leading 1,650 employees. We have greatly valued his input on advancing Idaho transportation priorities, including through the Federal appropriations process and other infrastructure-related proposals. He also testified before the U.S. House of Representatives Subcommittee on Research and Technology in 2019 on ''The Need for a National Surface Transportation Research Agenda.''

Director Ness has devoted considerable time utilizing his experience as a transportation professional to help lead a number of related organizations. He has served on the boards of directors and in many other leadership roles for the American Association of State Highway and Transportation Officials, AASHTO; the Western Association of State Highway and Transportation Officials, WASHTO; the Transportation Research Board, TRB; the American Road and Transportation Builders Association, ARTBA; and the Idaho Rural Partnership. His leadership roles include the Governor appointing Director Ness to chair the Idaho Autonomous and Connected Vehicle Testing and Deployment Committee. Additionally, in 2019, Director Ness became president of the ARTBA's Transportation Officials Division. He also served as president of WASHTO in 2015.

Throughout his career, he has earned many recognitions for his remarkable work and led teams that have received many honors. For example, since Director Ness joined the ITD, it has received nearly 170 national awards for its programs and projects, including the prestigious Francis B. Francois Award for Innovation. ITD has also won an extraordinary 17 AASHTO President's Transportation Awards. Director Ness also received the 2016 Navigator Award from the national organization, Route Fifty; was named Trine University's—formerly Tri-State University—2014 Alumni of the Year; AASHTO's President's Award for Administration in 2013; and was honored in 2012 as Leader of the Year by the Treasure Valley Chapter of Women's Transportation Seminar.

Before becoming director at ITD, Director Ness worked for 30 years at the Michigan Department of Transportation, holding a variety of positions in research, operations, aeronautics, construction, and project development. He earned a bachelor of science degree in civil engineering from Tri-State University and a master's degree in public administration from Western Michigan University, and he is a licensed professional engineer in Michigan and Idaho.

We understand the ITD's employee-driven innovation program started during Director Ness's leadership is credited with saving nearly $35 million, creating 691 customer-service improvements, and saving 540,000 contractor and employee hours. Thank you, Brian, for your focus on ingenuity, efficiency, accountability, and results all these years at the helm of the ITD. Your work to empower employee-driven innovation and support emerging leaders will no doubt have lasting effects on government efficiency and countless individual careers. Thank you, especially, for your service to Idaho, the transportation department and its employees, and congratulations on your retirement.●

RECOGNIZING KELSEY'S ON MAIN

● Mr. PAUL. Mr. President, as ranking member of the Senate Committee on Small Business and Entrepreneurship, each week I recognize an outstanding Kentucky small business that exemplifies the American entrepreneurial spirit. This week, it is my privilege to recognize the small business, Kelsey's On Main of Jackson, KY, as the Senate Small Business of the Week.

Like a good Southerner, Kelsey Sebastian is passionate about hospitality. After leaving her native Jackson, she pursued a degree in hospitality management and tourism from University of Kentucky. However, instead of taking her university expertise to the opportunities of the big city, Kelsey returned home to put her knowledge and skills to work. Thus in 2014, with the help of her family, Kelsey Sebastian opened Kelsey's On Main.

The idea for Kelsey's On Main was born out of several needs for the little town of Jackson. With only a small number of sit-in dining establishments in Jackson, local residents needed more restaurant options. Moreover, there was a need for revitalization in the heart of downtown Jackson, a heady mission that Kelsey and her family bravely took on. The Hogg building, now home to Kelsey's On Main, was 98 years old when she and her family began the renovation process in 2012. A former pharmacy and pool hall, this historic building located in the center of downtown needed a healthy dose of tender love and care. Renovating the establishment was by no means an easy task but the town of Jackson and its residents will tell you that it was worth it. In 2014, the centennial anniversary of the Hogg building, Kelsey's On Main opened their doors.

Kelsey's desire to restore beauty to the dilapidated old Hogg building corresponded with her mission to provide great food and top quality service to her hometown. In keeping the original tin roof and leaving one of the old walls exposed in its brick, customers can see that this building is mature in age but well taken care of. To that end, Kelsey and her family keep old photos of downtown Jackson as well as photos of her friends and family throughout the historic building. Of course, her family is not just present in the photographs that hang on the wall; her parents often come by to pick up a shift or two to support their daughter. And as a tenant in her aunt's building, Kelsey's On Main is a true family affair.

Returning to Jackson to open her own business is not the only way Kelsey supports her community. She is an active member of the Jackson Women's Group and as a Jackson City Council member, Kelsey always volunteers her restaurant to host the monthly Jackson Chamber of Commerce lunch. Kelsey is also involved in the Breathitt County Honey Festival, a tradition that has been around for over four decades, by supporting the festival's musical committee. As someone so involved in the goings-on of her town, Kelsey does her best to bring life to the Jackson community, as illustrated by she and her family's decision to revitalize a historic downtown building. Moreover, as a recent participant in Kentucky's BRIGHT program, a professional and entrepreneurial development program, it is clear that Kelsey is headstrong in her desire to keep improving and impacting the community around her.

All across the country are little towns like Jackson whose downtowns have been left empty by a shift in industry, and it is businesses like Kelsey's On Main that bring life back into those empty storefronts and keep historic communities thriving.

Congratulations to Kelsey and her family and the entire team at Kelsey's On Main. I wish them the best of luck and look forward to watching their continued growth and success in Kentucky.●

MESSAGE FROM THE HOUSE

At 11:11 a.m., a message from the House of Representatives delivered by Mrs. Alli, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 233. An act to designate the Rocksprings Station of the U.S. Border Patrol located on West Main Street in Rocksprings, Texas, as the ''Donna M. Doss Border Patrol Station''.

S. 1226. An act to designate the United States courthouse located at 1501 North 6th Street in Harrisburg, Pennsylvania, as the ''Sylvia H. Rambo United States Courthouse'', and for other purposes.

S. 2126. An act to designate the Federal Office Building located at 308 W. 21st Street in

Cheyenne, Wyoming, as the ''Louisa Swain Federal Office Building'', and for other purposes.

The message further announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 400. An act to designate the headquarters building of the Department of Transportation located at 1200 New Jersey Avenue, SE, in Washington, DC, as the ''William T. Coleman, Jr., Federal Building''.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 5343. An act to direct the Comptroller General of the United States to submit a report to Congress on case management personnel turnover of the Federal Emergency Management Agency, and for other purposes.

H.R. 5547. An act to amend the Public Works and Economic Development Act of 1965 to require eligible recipients of certain grants to develop a comprehensive economic development strategy that directly or indirectly increases the accessibility of affordable, quality care-based services, and for other purposes.

H.R. 5673. An act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to make technical corrections to the hazard mitigation revolving loan fund program, and for other purposes.

H.R. 5706. An act to protect transportation personnel and passengers from sexual assault and harassment, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5343. An act to direct the Comptroller General of the United States to submit a report to Congress on case management personnel turnover of the Federal Emergency Management Agency, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5547. An act to amend the Public Works and Economic Development Act of 1965 to require eligible recipients of certain grants to develop a comprehensive economic development strategy that directly or indirectly increases the accessibility of affordable, quality care-based services, and for other purposes; to the Committee on Environment and Public Works.

H.R. 5673. An act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to make technical corrections to the hazard mitigation revolving loan fund program, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5706. An act to protect transportation personnel and passengers from sexual assault and harassment, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3501. A communication from the Chair of the National Transportation Safety Board, transmitting, pursuant to law, a draft bill to reauthorize the National Transportation Safety Board for the next 5 years, through fiscal year 2027; to the Committee on Commerce, Science, and Transportation.

EC–3502. A communication from the Attorney Adviser, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Railroad Workplace Safety'' (RIN2130–AC78) received in the Office of the President of the Senate on March 22, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3503. A communication from the Chief of Staff, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Broadband Data Collection Mobile Technical Requirements Order'' (WC Docket No. 19–195) received in the Office of the President of the Senate on March 22, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3504. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Updating Broadcast Radio Technical Rules'' ((FCC 22–13) (MB Docket No. 21–263)) received in the Office of the President of the Senate on March 22, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3505. A communication from the Legal Tech, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Maumee River, OH'' ((RIN1625–AA00) (Docket No. USCG–2021–0303)) received in the Office of the President of the Senate on March 24, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3506. A communication from the Legal Yeoman, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Firestone Grand Prix of St. Petersburg, St. Petersburg, Florida'' ((RIN1625–AA00) (Docket No. USCG–2022–0075)) received in the Office of the President of the Senate on March 24, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3507. A communication from the Legal Yeoman, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Deep Creek, Elizabeth River, Chesapeake, VA'' ((RIN1625–AA00) (Docket No. USCG–2021–0303)) received in the Office of the President of the Senate on March 24, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3508. A communication from the Legal Yeoman, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Lower Mississippi River, Mile Markers 636–655, Modoc, AR'' ((RIN1625–AA00) (Docket No. USCG–2021–0917)) received in the Office of the President of the Senate on March 24, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3509. A communication from the Legal Tech, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; San Diego Bay, San Diego, CA'' ((RIN1625–AA00) (Docket No. USCG–2021–0931)) received in the Office of the President of the Senate on March 24, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3510. A communication from the Legal Yeoman, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Atlantic Ocean, Cape Canaveral, FL'' ((RIN1625–AA00) (Docket No. USCG–2021–0139)) received in the Office of the President of the Senate on March 24, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3511. A communication from the Legal Tech, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; St. Clair Icy Bazaar Fireworks, St. Clair River, MI'' ((RIN1625–AA00) (Docket No. USCG–2022–0006)) received in the Office of the President of the Senate on March 24, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3512. A communication from the Legal Yeoman, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; 2021 Barge Based Fireworks, Hudson River, Manhattan, NY'' ((RIN1625–AA00) (Docket No. USCG–2022–0767)) received in the Office of the President of the Senate on March 24, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3513. A communication from the Legal Tech, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Tugs Champion, Valerie B, Nancy Anne and Barges Kokosing I, Kokosing III, Kokosing IV operating in the straits of Mackinac, MI'' ((RIN1625–AA00) (Docket No. USCG–2021–0747)) received in the Office of the President of the Senate on March 24, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3514. A communication from the Legal Yeoman, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Potomac River, Between Charles County, MD and King George County, VA'' ((RIN1625–AA00) (Docket No. USCG–2022–0072)) received in the Office of the President of the Senate on March 24, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3515. A communication from the Legal Yeoman, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Coast Guard Island, Alameda, CA'' ((RIN1625–AA00) (Docket No. USCG–2022–0126)) received in the Office of the President of the Senate on March 24, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3516. A communication from the Legal Yeoman, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Atlantic Ocean, Cape Lookout, NC'' ((RIN1625–AA00) (Docket No. USCG–2022–0094)) received in the Office of the President of the Senate on March 24, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3517. A communication from the Legal Yeoman, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Potomac River, Between Charles County, MD and King George County, VA'' ((RIN1625–AA00) (Docket No. USCG–2022–0112)) received in the Office of the President of the Senate on March 24, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3518. A communication from the Legal Yeoman, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; CBWTP Outfall Diffuser Improvements, Columbia River, Portland, OR'' ((RIN1625–AA00) (Docket No. USCG–2021–0647)) received in the Office of the President of the Senate on March 24, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3519. A communication from the Legal Yeoman, U.S. Coast Guard, Department of

Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Jackson Firwroks Scattering; Yellow Bluff San Francisco Bay, Sausalito, CA'' ((RIN1625–AA00) (Docket No. USCG–2022–0069)) received in the Office of the President of the Senate on March 24, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3520. A communication from the Legal Tech, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Shore (Belt) Parkway bridge Construction, Mill Construction, Mill Basin; Brooklyn, NY'' ((RIN1625–AA00) (Docket No. USCG–2021–0848)) received in the Office of the President of the Senate on March 24, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3521. A communication from the Legal Yeoman, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Potomac River, Between Charles County, MD and King George County, VA'' ((RIN1625–AA00) (Docket No. USCG–2022–0072)) received in the Office of the President of the Senate on March 24, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3522. A communication from the Legal Tech, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zones; Coast Guard Sector Ohio Valley Annual and Recurring Safety Zones Update'' ((RIN1625–AA00) (Docket No. USCG–2021–0874)) received in the Office of the President of the Senate on March 24, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3523. A communication from the Legal Yeoman, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zones; Delaware River Dredging, Marcus Hook, PA'' ((RIN1625–AA00) (Docket No. USCG–2022–0022)) received in the Office of the President of the Senate on March 24, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3524. A communication from the Legal Tech, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulation; Sector Ohio Valley Annual and Recurring Special Local Regulations, Update'' ((RIN1625–AA08) (Docket No. USCG–2021–0873)) received in the Office of the President of the Senate on March 24, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3525. A communication from the Legal Yeoman, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulation; Lake Havasu, Lake Havasu City, AZ'' ((RIN1625–AA08) (Docket No. USCG–2022–0032)) received in the Office of the President of the Senate on March 24, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3526. A communication from the Legal Tech, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Navigation and Navigable Waters, and Shipping; Technical, Organizational, and Conforming Amendments'' (Docket No. USCG–2021–0348) received in the Office of the President of the Senate on March 24, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3527. A communication from the Legal Yeoman, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Operational Risk Assessments for Waterfront Facilities Handling Liquefied Natural Gas as Fuel, and Updates to Industry Standards'' ((RIN1625–AC52) (Docket No. USCG–2019–0444)) received in the Office of the President of the Senate on March 24, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3528. A communication from the Legal Yeoman, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zone; Delaware River, Philadelphia, PA'' ((RIN1625–AA87) (Docket No. USCG–2022–0040)) received in the Office of the President of the Senate on March 24, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3529. A communication from the Legal Yeoman, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zone for Navy Dining Exercise; Gastineau Channel, Juneau, AK'' ((RIN1625–AA87) (Docket No. USCG–2021–0893)) received in the Office of the President of the Senate on March 24, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3530. A communication from the Legal Yeoman, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zone; Grounded Tug and Barge, Deerfield Beach, FL'' ((RIN1625–AA87) (Docket No. USCG–2022–0074)) received in the Office of the President of the Senate on March 24, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3531. A communication from the Legal Yeoman, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zones; Christina River, Wilmington, DE; Darby Creek and Schuylkill River, Philadelphia, PA'' ((RIN1625–AA87) (Docket No. USCG–2022–0145)) received in the Office of the President of the Senate on March 24, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3532. A communication from the Legal Yeoman, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zones; Anacostia River, Washington, DC and Susquehanna River, between Cecil and Harford Counties, MD'' ((RIN1625–AA87) (Docket No. USCG–2022–0127)) received in the Office of the President of the Senate on March 24, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3533. A communication from the Legal Tech, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zones; Corpus Christi Ship Channel, Corpus Christi, TX'' ((RIN1625–AA87) (Docket No. USCG–2022–0020)) received in the Office of the President of the Senate on March 24, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3534. A communication from the Legal Yeoman, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulation: Willamette River, Portland, OR'' ((RIN1625–AA09) (Docket No. USCG–2021–0778)) received in the Office of the President of the Senate on March 24, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3535. A communication from the Legal Yeoman, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulation: Old River, Between Victoria Island and Byron Tract, CA'' ((RIN1625–AA09) (Docket No. USCG–2021–0181)) received in the Office of the President of the Senate on March 24, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3536. A communication from the Legal Yeoman, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulation: Chicago River, Chicago, IL'' ((RIN1625–AA09) (Docket No. USCG–2022–0035)) received in the Office of the President of the Senate on March 24, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3537. A communication from the Legal Yeoman, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulation: Tchefuncta River'' ((RIN1625–AA09) (Docket No. USCG–2016–0963)) received in the Office of the President of the Senate on March 24, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3538. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Part 95; IFR Altitudes; Miscellaneous Amendments; Amendment No. 563'' ((RIN2120–AA63) (Docket No. 31408)) received in the Office of the President of the Senate on March 24, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3539. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Criteria; Special Class Airworthiness Criteria for the Matternet, inc. M2 Unmanned Aircraft'' ((RIN2120–AA64) (Docket No. FAA–2020–1085)) received in the Office of the President of the Senate on March 28, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3540. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Criteria; Special Class Airworthiness Criteria for the Zipline International inc. Zip UAS Sparrow Unmanned Aircraft'' ((RIN2120–AA64) (Docket No. FAA–2020–1084)) received in the Office of the President of the Senate on March 28, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3541. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Helicopters; Amendment 39–21889'' ((RIN2120–AA64) (Docket No. FAA–2021–0947)) received in the Office of the President of the Senate on March 23, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3542. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Helicopters; Amendment 39–21877'' ((RIN2120–AA64) (Docket No. FAA–2021–0839)) received in the Office of the President of the Senate on March 24, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3543. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Helicopters; Amendment 39–21873'' ((RIN2120–AA64) (Docket No. FAA–2021–0873)) received in the Office of the President of the Senate on March 24, 2022; to

the Committee on Commerce, Science, and Transportation.

EC–3544. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Helicopters; Amendment 39–21910'' ((RIN2120–AA64) (Docket No. FAA–2021–0887)) received in the Office of the President of the Senate on March 28, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3545. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Helicopters; Amendment 39–21901'' ((RIN2120–AA64) (Docket No. FAA–2021–1181)) received in the Office of the President of the Senate on March 28, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3546. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Helicopters; Amendment 39–21903'' ((RIN2120–AA64) (Docket No. FAA–2021–0886)) received in the Office of the President of the Senate on March 28, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3547. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Helicopters; Amendment 39–21916'' ((RIN2120–AA64) (Docket No. FAA–2021–1012)) received in the Office of the President of the Senate on March 28, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3548. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Helicopters Deutschland GmbH (AHD) Helicopters; Amendment 39–21917'' ((RIN2120–AA64) (Docket No. FAA–2021–1007)) received in the Office of the President of the Senate on March 28, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3549. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus SAS Airplanes; Amendment 39–21895'' ((RIN2120–AA64) (Docket No. FAA–2021–0945)) received in the Office of the President of the Senate on March 28, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3550. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus SAS Airplanes; Amendment 39–21896'' ((RIN2120–AA64) (Docket No. FAA–2021–0668)) received in the Office of the President of the Senate on March 28, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3551. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus SAS Airplanes; Amendment 39–21908'' ((RIN2120–AA64) (Docket No. FAA–2021–0501)) received in the Office of the President of the Senate on March 28, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3552. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus SAS Airplanes; Amendment 39–21940'' ((RIN2120–AA64) (Docket No. FAA–2021–1006)) received in the Office of the President of the Senate on March 28, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3553. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus SAS Airplanes; Amendment 39–21944'' ((RIN2120–AA64) (Docket No. FAA–2021–0682)) received in the Office of the President of the Senate on March 28, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3554. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus SAS Airplanes; Amendment 39–21957'' ((RIN2120–AA64) (Docket No. FAA–2021–1062)) received in the Office of the President of the Senate on March 28, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3555. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus SAS Airplanes; Amendment 39–21927'' ((RIN2120–AA64) (Docket No. FAA–2021–0657)) received in the Office of the President of the Senate on March 28, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3556. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus SAS Airplanes; Amendment 39–21929'' ((RIN2120–AA64) (Docket No. FAA–2021–0845)) received in the Office of the President of the Senate on March 28, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3557. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus SAS Airplanes; Amendment 39–21931'' ((RIN2120–AA64) (Docket No. FAA–2021–0667)) received in the Office of the President of the Senate on March 28, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3558. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes; Amendment 39–21937'' ((RIN2120–AA64) (FAA–2022–0017)) received in the Office of the President of the Senate on March 22, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3559. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes; Amendment 39–21887'' ((RIN2120–AA64) (FAA–2021–0331)) received in the Office of the President of the Senate on March 23, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3560. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes; Amendment 39–21922'' ((RIN2120–AA64) (FAA–2022–0012)) received in the Office of the President of the Senate on March 23, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3561. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes; Amendment 39–21848'' ((RIN2120–AA64) (FAA–2021–0665)) received in the Office of the President of the Senate on March 23, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3562. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes; Amendment 39–21869'' ((RIN2120–AA64) (FAA–2021–0749)) received in the Office of the President of the Senate on March 23, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3563. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes; Amendment 39–21861'' ((RIN2120–AA64) (FAA–2021–0609)) received in the Office of the President of the Senate on March 23, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3564. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes; Amendment 39–21835'' ((RIN2120–AA64) (FAA–2021–0571)) received in the Office of the President of the Senate on March 23, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3565. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes; Amendment 39–21876'' ((RIN2120–AA64) (FAA–2021–0504)) received in the Office of the President of the Senate on March 23, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3566. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes; Amendment 39–21911'' ((RIN2120–AA64) (FAA–2021–0457)) received in the Office of the President of the Senate on March 28, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3567. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes; Amendment 39–21960'' ((RIN2120–AA64) (FAA–2022–0249)) received in the Office

of the President of the Senate on March 28, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3568. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes; Amendment 39–21955'' ((RIN2120–AA64) (FAA–2022–0142)) received in the Office of the President of the Senate on March 28, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3569. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes; Amendment 39–21947'' ((RIN2120–AA64) (FAA–2022–0095)) received in the Office of the President of the Senate on March 28, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3570. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Leonardo S.p.a. Helicopters; Amendment 39–21888'' ((RIN2120–AA64) (Docket No. FAA–2021–0570)) received in the Office of the President of the Senate on March 23, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3571. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Leonardo S.p.a. Helicopters; Amendment 39–21905'' ((RIN2120–AA64) (Docket No. FAA–2021–0570)) received in the Office of the President of the Senate on March 28, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3572. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Leonardo S.p.a. Helicopters; Amendment 39–21909'' ((RIN2120–AA64) (Docket No. FAA–2021–0964)) received in the Office of the President of the Senate on March 28, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3573. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Helicopters Deutschland GmbH (AHD) Helicopters'' ((RIN2120–AA64) (FAA–2022–0009)) received in the Office of the President of the Senate on March 23, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3574. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Helicopters (Type Certificate Previously Held by Eurocopter France) Helicopters; Amendment 39–21953'' ((RIN2120–AA64) (Docket No. FAA–2021–1166)) received in the Office of the President of the Senate on March 28, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3575. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Helicopters; Amendment 39–21930'' ((RIN2120–AA64) (Docket No. FAA–2022–0019)) received in the Office of the President of the Senate on March 28, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3576. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Helicopters; Amendment 39–21934'' ((RIN2120–AA64) (Docket No. FAA–2021–1018)) received in the Office of the President of the Senate on March 28, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3577. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, inc., Airplanes; Amendment 39–21882'' ((RIN2120–AA64) (Docket No. FAA–2021–0725)) received in the Office of the President of the Senate on March 23, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3578. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, inc., Airplanes; Amendment 39–21857'' ((RIN2120–AA64) (Docket No. FAA–2021–0784)) received in the Office of the President of the Senate on March 23, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3579. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, inc., Airplanes; Amendment 39–21850'' ((RIN2120–AA64) (Docket No. FAA–2021–0658)) received in the Office of the President of the Senate on March 23, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3580. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, inc., Airplanes (CORRECTION); Amendment 39–21882'' ((RIN2120–AA64) (Docket No. FAA–2021–0725)) received in the Office of the President of the Senate on March 28, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3581. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, inc., Airplanes; Amendment 39–21928'' ((RIN2120–AA64) (Docket No. FAA–2021–1014)) received in the Office of the President of the Senate on March 28, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3582. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; General Electric Turbofan Engines; Amendment 39–21915'' ((RIN2120–AA64) (Docket No. FAA–2021–0949)) received in the Office of the President of the Senate on March 23, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3583. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; General Electric Turbofan Engines; Amendment 39–21865'' ((RIN2120–AA64) (Docket No. FAA–2021–0567)) received in the Office of the President of the Senate on March 23, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3584. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled '' Airworthiness Directives; General Electric Turbofan Engines; Amendment 39–21949'' ((RIN2120–AA64) (Docket No. FAA–2022–0101)) received in the Office of the President of the Senate on March 28, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3585. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; General Electric Turbofan Engines; Amendment 39–21936'' ((RIN2120–AA64) (Docket No. FAA–2021–1016)) received in the Office of the President of the Senate on March 28, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3586. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; General Electric Turbofan Engines; Amendment 39–21933'' ((RIN2120–AA64) (Docket No. FAA–2021–0831)) received in the Office of the President of the Senate on March 28, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3587. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; General Electric Turbofan Engines; Amendment 39–21881'' ((RIN2120–AA64) (Docket No. FAA–2021–0791)) received in the Office of the President of the Senate on March 28, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3588. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Defense and Space S.A. (Formerly Known as Construcciones Aeronauticas, S.A.) Airplanes; Amendment 39–21849'' ((RIN2120–AA64) (Docket No. FAA–2021–0621)) received in the Office of the President of the Senate on March 23, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3589. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Stemme AG Gliders; Amendment 39–21897'' ((RIN2120–AA64) (Docket No. FAA–2021–1175)) received in the Office of the President of the Senate on March 23, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3590. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pratt & Whitney Turbofan Engines; Amendment 39–21902'' ((RIN2120–AA64) (Docket No. FAA–2021–1182)) received in the Office of the President of the Senate on March 23, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3591. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bell Textron Inc. (Type Certificate Previously Held by Bell Helicopter

Textron Inc.) Helicopters; Amendment 39–21899'' ((RIN2120–AA64) (Docket No. FAA–2021–1003)) received in the Office of the President of the Senate on March 23, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3592. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Sikorsky Aircraft Corporation Helicopters; Amendment 39–21898'' ((RIN2120–AA64) (Docket No. FAA–2021–0689)) received in the Office of the President of the Senate on March 23, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3593. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Stemme AG Gliders; Amendment 39–21871'' ((RIN2120–AA64) (Docket No. FAA–2021–0842)) received in the Office of the President of the Senate on March 23, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3594. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Schempp-Hirth Flugzeugbau GmbH Gliders; Amendment 39–21884'' ((RIN2120–AA64) (Docket No. FAA–2021–0878)) received in the Office of the President of the Senate on March 23, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3595. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Gulfstream Aerospace Corporation Airplanes; Amendment 39–21912'' ((RIN2120–AA64) (Docket No. FAA–2021–0881)) received in the Office of the President of the Senate on March 23, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3596. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Various Restricted Category Helicopters; Amendment 39–21875'' ((RIN2120–AA64) (Docket No. FAA–2021–0189)) received in the Office of the President of the Senate on March 23, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3597. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pilatus Aircraft Ltd. Airplanes; Amendment 39–21880'' ((RIN2120–AA64) (Docket No. FAA–2021–0218)) received in the Office of the President of the Senate on March 23, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3598. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Stemme AG Gliders; Amendment 39–21924'' ((RIN2120–AA64) (Docket No. FAA–2021–1010)) received in the Office of the President of the Senate on March 23, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3599. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; De Havilland Aircraft of Canada Limited (Type Certificate Previously Held by Bombardier, Inc.) Airplanes; Amendment 39–21890'' ((RIN2120–AA64) (Docket No. FAA–2021–0514)) received in the Office of the President of the Senate on March 23, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3600. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, inc.) Airplanes; Amendment 39–21886'' ((RIN2120–AA64) (Docket No. FAA–2021–0615)) received in the Office of the President of the Senate on March 23, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3601. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Criteria; for the Amazon Logistics, inc. MK27–2 Unmanned Aircraft; Amendment 39–21849'' ((RIN2120–AA64) (Docket No. FAA–2020–1086)) received in the Office of the President of the Senate on March 23, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3602. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Austro Engine GmbH Engines; Amendment 39–21920'' ((RIN2120–AA64) (Docket No. FAA–2022–0013)) received in the Office of the President of the Senate on March 23, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3603. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Umiaut Engineering GmbH (Previously P3 Engineering GmbH) HAFEX (Halon-Free) Hand Held Fire Extinguishers; Amendment 39–21891'' ((RIN2120–AA64) (Docket No. FAA–2021–0843)) received in the Office of the President of the Senate on March 23, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3604. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Saab AB, Support and Services (Formerly Known as Saab AB, Saab Aeronautics) Airplanes; Amendment 39–21863'' ((RIN2120–AA64) (Docket No. FAA–2021–0841)) received in the Office of the President of the Senate on March 23, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3605. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Safran Helicopter Engines, S.A. (Type Certificate Previously Held by Turbomeca, S.A.) Turboshaft Engines; Amendment 39–21885'' ((RIN2120–AA64) (Docket No. FAA–2021–0793)) received in the Office of the President of the Senate on March 23, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3606. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Leonardo S.p.a. (Type Certificate Previously Held by Agusta S.p.A.) Helicopters; Amendment 39–21883'' ((RIN2120–AA64) (Docket No. FAA–2021–0948)) received in the Office of the President of the Senate on March 23, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3607. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Cameron Balloons Ltd. Fuel Cylinders; Amendment 39–21894'' ((RIN2120–AA64) (Docket No. FAA–2021–1171)) received in the Office of the President of the Senate on March 24, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3608. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Vulcanair S.p.A. Airplanes; Amendment 39–21874'' ((RIN2120–AA64) (Docket No. FAA–2021–0871)) received in the Office of the President of the Senate on March 24, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3609. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls-Royce Deutschland Ltd & Co KG (Type Certificate Previously Held by Rolls-Royce plc) Turbofan Engines; Amendment 39–21943'' ((RIN2120–AA64) (Docket No. FAA–2021–0662)) received in the Office of the President of the Senate on March 28, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3610. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Learjet, inc., Airplanes; Amendment 39–21952'' ((RIN2120–AA64) (Docket No. FAA–2022–0144)) received in the Office of the President of the Senate on March 28, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3611. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; CFM International, S.A. Turbofan Engines; Amendment 39–21900'' ((RIN2120–AA64) (Docket No. FAA–2021–0259)) received in the Office of the President of the Senate on March 28, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3612. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; British Aerospace (Operations) Limited Airplanes and British Aerospace Regional Aircraft Airplanes; Amendment 39–21935'' ((RIN2120–AA64) (Docket No. FAA–2021–0961)) received in the Office of the President of the Senate on March 28, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3613. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Various Airplanes; Amendment 39–21932'' ((RIN2120–AA64) (Docket No. FAA–2021–0715)) received in the Office of the President of the Senate on March 28, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3614. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, inc.) Airplanes; Amendment 39–21923'' ((RIN2120–AA64) (Docket No. FAA–2021–0696)) received in the Office of the President of the Senate on March 28, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3615. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; De Havilland Aircraft of Canada Limited (Type Certificate Previously Held by Bombardier, Inc.) Airplanes; Amendment 39–21919'' ((RIN2120–AA64) (Docket No. FAA–2021–0694)) received in the Office of the President of the Senate on March 28, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3616. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Diamond Aircraft Industries GmbH Airplanes; Amendment 39–21918'' ((RIN2120–AA64) (Docket No. FAA–2021–0952)) received in the Office of the President of the Senate on March 28, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3617. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Fiberglas-Technik Rudolf Lindner GmbH and Co. KG (Type Certificate Previously Held by GROB Aircraft AG, Grob Aerospace GmbH i.l., Grob Aerospace GmbH, Burkhart Grob Luft-und Raumfahrt GmbH & Co. KG) Gliders; Amendment 39–21925'' ((RIN2120–AA64) (Docket No. FAA–2021–0944)) received in the Office of the President of the Senate on March 28, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3618. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; AVOX System Inc. (Formerly Scott Aviation) Oxygen Cylinder and Valve Assemblies and Oxygen Valve Assemblies; Amendment 39–21951'' ((RIN2120–AA64) (Docket No. FAA–2020–0345)) received in the Office of the President of the Senate on March 28, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3619. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bell Textron Canada Limited Helicopters; Amendment 39–21948'' ((RIN2120–AA64) (Docket No. FAA–2021–0729)) received in the Office of the President of the Senate on March 28, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3620. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Continental Aerospace Technologies, inc. and Continental Motors Reciprocating Engines; Amendment 39–21945'' ((RIN2120–AA64) (Docket No. FAA–2021–0875)) received in the Office of the President of the Senate on March 28, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3621. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; DG Flugzeugbau GmbH and Schempp-Hirth Flugzeugbau GmbH Gliders; Amendment 39–21942'' ((RIN2120–AA64) (Docket No. FAA–2021–1015)) received in the Office of the President of the Senate on March 28, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3622. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Sikorsky Aircraft Corporation Helicopters; Amendment 39–21926'' ((RIN2120–AA64) (Docket No. FAA–2021–1002)) received in the Office of the President of the Senate on March 28, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3623. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Viking Air Limited (Type Certificate Previously Held by Bombardier, Inc., de Havilland) Airplanes; Amendment 39–21921'' ((RIN2120–AA64) (Docket No. FAA–2021–0960)) received in the Office of the President of the Senate on March 28, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3624. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bell Textron Inc. (Type Certificate Previously Held by Bell Helicopter Textron Inc.) Helicopters; Amendment 39–21899'' ((RIN2120–AA64) (Docket No. FAA–2021–1003)) received in the Office of the President of the Senate on March 28, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3625. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, inc.) Airplanes; Amendment 39–21904'' ((RIN2120–AA64) (Docket No. FAA–2021–0444)) received in the Office of the President of the Senate on March 28, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3626. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Dassault Aviation Airplanes; Amendment 39–21907'' ((RIN2120–AA64) (Docket No. FAA–2021–0684)) received in the Office of the President of the Senate on March 28, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3627. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; International Aero Engines AG Turbofan Engines; Amendment 39–21906'' ((RIN2120–AA64) (Docket No. FAA–2021–0835)) received in the Office of the President of the Senate on March 28, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3628. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Textron Aviation inc. (Type Certificate Previously Held by Raytheon Aircraft Company, Hawker Beechcraft Corporation, and Beechcraft Corporation) Airplanes; Amendment 39–21941'' ((RIN2120–AA64) (Docket No. FAA–2022–0088)) received in the Office of the President of the Senate on March 28, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3629. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments; Amendment No. 3990'' ((RIN2120–AA65) (Docket No. 31407)) received in the Office of the President of the Senate on March 24, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3630. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments; Amendment No. 3989'' ((RIN2120–AA65) (Docket No. 31406)) received in the Office of the President of the Senate on March 24, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3631. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments; Amendment No. 3991'' ((RIN2120–AA65) (Docket No. 31409)) received in the Office of the President of the Senate on March 24, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3632. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments; Amendment No. 3992'' ((RIN2120–AA65) (Docket No. 31410)) received in the Office of the President of the Senate on March 24, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3633. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments; Amendment No. 3994'' ((RIN2120–AA65) (Docket No. 31412)) received in the Office of the President of the Senate on March 28, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3634. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments; Amendment No. 3996'' ((RIN2120–AA65) (Docket No. 31414)) received in the Office of the President of the Senate on March 28, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3635. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments; Amendment No. 3995'' ((RIN2120–AA65) (Docket No. 31413)) received in the Office of the President of the Senate on March 28, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3636. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments; Amendment No. 3993'' ((RIN2120–AA65) (Docket No. 31411)) received in the Office of the President of the Senate on March 28, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3637. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Joseph State Airport, OR'' ((RIN2120–AA66) (Docket No. FAA–2021–0935)) received in the Office of the President of the Senate on March 24, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3638. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Monticello Airport, UT'' ((RIN2120–AA66) (Docket No. FAA–2021–0924)) received in the Office of the President of the Senate on March 24, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3639. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D and Class E Airspace; South Florida'' ((RIN2120–AA66) (Docket No. FAA–2021–0169)) received in the Office of the President of the Senate on March 24, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3640. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''FINAL RULE CORRECTION; Amendment, Establishment, and Revocation of Multiple Air Traffic Services (ATS) Routes in the Vicinity of Neosha, MO'' ((RIN2120–AA66) (Docket No. FAA–2021–0276)) received in the Office of the President of the Senate on March 24, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3641. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment, Establishment, and Revocation of Multiple Air Traffic Services (ATS) Routes in the Vicinity of Neosha, MO'' ((RIN2120–AA66) (Docket No. FAA–2021–0276)) received in the Office of the President of the Senate on March 24, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3642. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D and Class E Airspace; Philadelphia, PA'' ((RIN2120–AA66) (Docket No. FAA–2021–0922)) received in the Office of the President of the Senate on March 24, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3643. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Bonham, TX'' ((RIN2120–AA66) (Docket No. FAA–2021–0746)) received in the Office of the President of the Senate on March 24, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3644. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment and Establishment of Class D and Class E Airspace; Columbus, GA'' ((RIN2120–AA66) (Docket No. FAA–2021–0589)) received in the Office of the President of the Senate on March 24, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3645. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Hereford, TX'' ((RIN2120–AA66) (Docket No. FAA–2021–0815)) received in the Office of the President of the Senate on March 24, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3646. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D Airspace; Columbus, OH'' ((RIN2120–AA66) (Docket No. FAA–2021–1151)) received in the Office of the President of the Senate on March 24, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3647. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class D and Class E Airspace; China Lake NAWS (Armitage Field) Airport, CA'' ((RIN2120–AA66) (Docket No. FAA–2021–0804)) received in the Office of the President of the Senate on March 24, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3648. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Inyokern Airport, CA'' ((RIN2120–AA66) (Docket No. FAA–2021–0805)) received in the Office of the President of the Senate on March 24, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3649. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Area Navigation (RNAV) T–302; Midwestern United States'' ((RIN2120–AA66) (Docket No. FAA–2021–0473)) received in the Office of the President of the Senate on March 24, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3650. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of V–37 and V–270; Removal of V–43 in the Vicinity of Erie, PA'' ((RIN2120–AA66) (Docket No. FAA–2021–0324)) received in the Office of the President of the Senate on March 24, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3651. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Covington, GA'' ((RIN2120–AA66) (Docket No. FAA–2021–0820)) received in the Office of the President of the Senate on March 24, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3652. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of VOR Federal Airways V–170, V–175 and V–250; Establishment of Area Navigation (RNAV) Route T–400; in the Vicinity of Worthington, MN'' ((RIN2120–AA66) (Docket No. FAA–2021–0479)) received in the Office of the President of the Senate on March 24, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3653. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Hugo, OK'' ((RIN2120–AA66) (Docket No. FAA–2021–0977)) received in the Office of the President of the Senate on March 28, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3654. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of the Class D and Class E Airspace and Revocation of Class E Airspace; Hammond, LA'' ((RIN2120–AA66) (Docket No. FAA–2021–0978)) received in the Office of the President of the Senate on March 28, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3655. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of VOR Federal Airways V–170, and V–175, and V–250; Establishment of Area Navigation (RNAV) Route T–400; in the Vicinity of Worthington, MN'' ((RIN2120–AA66) (Docket No. FAA–2021–0479)) received in the Office of the President of the Senate on March 28, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3656. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Gold Beach Municipal Airport, OR'' ((RIN2120–AA66) (Docket No. FAA–2021–0956)) received in the Office of the President of the Senate on March 28, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3657. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Kit Carson County Airport, Burlington, CO'' ((RIN2120–AA66) (Docket No. FAA–2021–0917)) received in the Office of the President of the Senate on March 28, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3658. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to

law, the report of a rule entitled ''Amendment of Class E Airspace; Skaneateles, NY'' ((RIN2120–AA66) (Docket No. FAA–2021–0747)) received in the Office of the President of the Senate on March 28, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3659. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revocation of Class E Airspace; Carrizo Springs, TX'' ((RIN2120–AA66) (Docket No. FAA–2021–0976)) received in the Office of the President of the Senate on March 28, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3660. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D and Class E Airspace and Revocation of Class E Airspace; Rochester and St. Cloud, MN'' ((RIN2120–AA66) (Docket No. FAA–2021–0814)) received in the Office of the President of the Senate on March 28, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3661. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D and Class E Airspace; Multiple Illinois Towns'' ((RIN2120–AA66) (Docket No. FAA–2021–0979)) received in the Office of the President of the Senate on March 28, 2022; to the Committee on Commerce, Science, and Transportation.

EC–3662. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D and Class E Airspace; Janesville, WI'' ((RIN2120–AA66) (Docket No. FAA–2021–0980)) received in the Office of the President of the Senate on March 28, 2022; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. CANTWELL, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 3785. A bill to amend title 49, United States Code, to eliminate the restriction on veterans concurrently serving in the Offices of Administrator and Deputy Administrator of the Federal Aviation Administration.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HAGERTY:

S. 3970. A bill to establish reporting requirements for issuers of fiat currency-backed stablecoins, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. INHOFE:

S. 3971. A bill to amend the America's Water Infrastructure Act of 2018 to modify a provision relating to cost-sharing requirements applicable to certain Bureau of Reclamation dams and dikes, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BOOKER (for himself and Mr. RUBIO):

S. 3972. A bill to improve research and data collection on stillbirths, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BENNET:

S. 3973. A bill to help local educational agencies replace zero-tolerance disciplinary policies and punitive discipline in elementary and secondary schools with restorative practices; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CRUZ:

S. 3974. A bill to prohibit the consideration of patients' race, color, religion, sex, national origin, age, disability, vaccination status, veteran status, or political ideology or speech in determining eligibility for monoclonal antibody doses distributed by the Federal Government; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COONS (for himself, Mr. BLUNT, Mr. DURBIN, Mr. GRASSLEY, Ms. KLOBUCHAR, Mr. YOUNG, Ms. HIRONO, Mrs. CAPITO, Mr. CORNYN, Mr. WICKER, and Mrs. FEINSTEIN):

S. 3975. A bill to reauthorize the Victims of Child Abuse Act of 1990 and for other purposes; to the Committee on the Judiciary.

By Mr. MORAN (for himself and Mr. SCOTT of South Carolina):

S. 3976. A bill to amend the Investment Company Act of 1940 to address entities that are not considered to be investment companies for the purposes of that Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GRASSLEY (for himself, Ms. WARREN, Ms. COLLINS, Mr. WARNOCK, and Ms. CORTEZ MASTO):

S. 3977. A bill to amend the Securities Exchange Act of 1934 to further enhance anti-retaliation protections for whistleblowers, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BARRASSO (for himself, Ms. LUMMIS, Mr. CRAMER, and Mr. MARSHALL):

S. 3978. A bill to require the Secretary of Energy to carry out a program to operate a uranium reserve consisting of uranium produced and converted in the United States and a program to ensure the availability of uranium produced, converted, and enriched in the United States, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. STABENOW (for herself, Ms. MURKOWSKI, Mr. HEINRICH, Ms. COLLINS, Mr. MANCHIN, Ms. SINEMA, Mrs. GILLIBRAND, Mr. CASEY, Mr. VAN HOLLEN, Ms. SMITH, Mr. BROWN, Ms. BALDWIN, Mr. BOOKER, Mr. LUJÁN, Ms. KLOBUCHAR, Mr. DURBIN, Mr. WARNOCK, Mr. MARKEY, Ms. HIRONO, Ms. DUCKWORTH, Mr. SANDERS, Mr. REED, Mr. LEAHY, Mr. WYDEN, Mrs. SHAHEEN, Ms. HASSAN, Mr. BENNET, Mr. MERKLEY, Ms. WARREN, Mr. PADILLA, Mr. WARNER, Mrs. MURRAY, Mr. CARDIN, Mr. COONS, Ms. CORTEZ MASTO, Mr. CARPER, Mr. SCHATZ, Mr. PETERS, Mr. KING, Mrs. FEINSTEIN, Ms. ROSEN, Mr. MENENDEZ, Mr. KAINE, Mr. BLUMENTHAL, Mr. MURPHY, Mr. HICKENLOOPER, Mr. WHITEHOUSE, Mr. KELLY, Mr. OSSOFF, Mr. TESTER, Mr. SCHUMER, and Ms. CANTWELL):

S. 3979. A bill to amend the Families First Coronavirus Response Act to extend child nutrition waiver authority; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. LUMMIS (for herself, Ms. SINEMA, Mr. WARNER, and Mr. HAGERTY):

S. 3980. A bill to require the Securities and Exchange Commission to carry out a study of the costs associated with small- and medium-sized companies to undertake initial public offerings; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GRASSLEY (for himself, Mr. LUJÁN, Mr. TILLIS, Ms. HASSAN, and Mr. CASSIDY):

S. 3981. A bill to require the Attorney General to develop reports relating to violent attacks against law enforcement officers, and for other purposes; to the Committee on the Judiciary.

By Mr. SCOTT of Florida:

S. 3982. A bill to require applicable Federal agencies to take action on applications for Federal energy authorizations, and for other purposes; to the Committee on Finance.

By Mr. CASSIDY (for himself and Ms. BALDWIN):

S. 3983. A bill to amend the Federal Food, Drug, and Cosmetic Act to require, for purposes of ensuring cybersecurity, the inclusion in any premarket submission for a cyber device of information to demonstrate a reasonable assurance of safety and effectiveness throughout the lifecycle of the cyber device, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. KLOBUCHAR:

S. 3984. A bill to amend the Controlled Substances Act to provide a process to lock and suspend domain names used to facilitate the online sale of controlled substances illegally, and for other purposes; to the Committee on the Judiciary.

By Mr. CRUZ (for himself and Mr. GRASSLEY):

S. 3985. A bill to prohibit the consideration of COVID–19 vaccination status in determining eligibility for organ donation or transplantation, and in providing services to Medicare or Medicaid beneficiaries; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MARSHALL (for himself, Mr. BRAUN, and Mr. DAINES):

S. 3986. A bill to delay the effectiveness of certain new rules or regulations relating to the United States energy sector; to the Committee on Energy and Natural Resources.

By Mr. HEINRICH (for himself and Mr. CASEY):

S. 3987. A bill to require the Secretary of Energy to provide grants and loan guarantees for commercial-scale implementation of transformative industrial technologies, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MENENDEZ (for himself, Mr. BENNET, Mr. BLUMENTHAL, Mr. BOOKER, Mr. BROWN, Mr. CARDIN, Mr. PADILLA, Ms. CORTEZ MASTO, Mr. LUJÁN, Ms. DUCKWORTH, Mr. DURBIN, Mrs. FEINSTEIN, Mr. HEINRICH, Mr. HICKENLOOPER, Ms. HIRONO, Mr. KELLY, Ms. KLOBUCHAR, Mr. MARKEY, Mrs. MURRAY, Ms. ROSEN, Mr. SANDERS, Ms. SMITH, Mr. VAN HOLLEN, Ms. WARREN, and Mr. WHITEHOUSE):

S. Res. 572. A resolution honoring the accomplishments and legacy of Cesar Estrada Chavez; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself and Mr. MCCONNELL):

S. Res. 573. A resolution to authorize testimony and representation in United States v. Robertson, et al; considered and agreed to.

By Mr. CASEY (for himself and Ms. BALDWIN):

S. Res. 574. A resolution designating May 2, 2022, as ''Dr. John E. Fryer Day''; to the Committee on the Judiciary.

By Mr. SCHATZ (for himself, Mr. MARKEY, Mr. CASEY, Ms. HIRONO, Ms. WARREN, Ms. BALDWIN, Ms. DUCKWORTH, Mr. BOOKER, Ms. CORTEZ MASTO, Ms. ROSEN, Mr. CARPER, Mr. BLUMENTHAL, Mrs. MURRAY, Mr. WYDEN, Mr. WHITEHOUSE, Mr. BENNET, Mr. HEINRICH, Mrs. FEINSTEIN, and Mr. MURPHY):

S. Con. Res. 35. A concurrent resolution supporting the goals and ideals of International Transgender Day of Visibility; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 331

At the request of Mr. CASEY, the name of the Senator from Illinois (Ms. DUCKWORTH) was added as a cosponsor of S. 331, a bill to amend the Internal Revenue Code of 1986 to increase the age requirement with respect to eligibility for qualified ABLE programs.

S. 344

At the request of Mr. TESTER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 344, a bill to amend title 10, United States Code, to provide for concurrent receipt of veterans' disability compensation and retirement pay for disability retirees with fewer than 20 years of service and a combat-related disability, and for other purposes.

S. 599

At the request of Mr. BOOKER, the name of the Senator from California (Mr. PADILLA) was added as a cosponsor of S. 599, a bill to establish the Department of State Student Internship Program as a paid internship program to provide students with the opportunity to learn about a career in diplomacy and foreign affairs, and for other purposes.

S. 692

At the request of Mr. TESTER, the names of the Senator from New York (Mrs. GILLIBRAND) and the Senator from Nevada (Ms. CORTEZ MASTO) were added as cosponsors of S. 692, a bill to award a Congressional Gold Medal to the female telephone operators of the Army Signal Corps, known as the ''Hello Girls''.

S. 744

At the request of Ms. KLOBUCHAR, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 744, a bill to amend the Higher Education Act of 1965 to require institutions of higher education to disclose hazing incidents, and for other purposes.

S. 888

At the request of Mr. BOOKER, the name of the Senator from Virginia (Mr. KAINE) was added as a cosponsor of S. 888, a bill to prohibit discrimination based on an individual's texture or style of hair.

S. 1079

At the request of Mr. HEINRICH, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1079, a bill to award a Congressional Gold Medal to the troops from the United States and the Philippines who defended Bataan and Corregidor, in recognition of their personal sacrifice and service during World War II.

S. 1170

At the request of Mrs. GILLIBRAND, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 1170, a bill to amend the Richard B. Russell National School Lunch Act to improve the efficiency of summer meals.

S. 1642

At the request of Mrs. FEINSTEIN, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 1642, a bill to require the Secretary of State to submit a report on the status of women and girls in Afghanistan, and for other purposes.

S. 2108

At the request of Mr. WYDEN, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 2108, a bill to amend title II of the Social Security Act to eliminate work disincentives for childhood disability beneficiaries.

S. 2172

At the request of Mr. TESTER, the name of the Senator from Nevada (Ms. CORTEZ MASTO) was added as a cosponsor of S. 2172, a bill to amend title 38, United States Code, to improve grants, payments, and technical assistance provided by the Secretary of Veterans Affairs to serve homeless veterans, and for other purposes.

S. 2178

At the request of Mr. HICKENLOOPER, the name of the Senator from California (Mr. PADILLA) was added as a cosponsor of S. 2178, a bill to provide collective bargaining rights for fire fighters and emergency medical services personnel employed by States or their political subdivisions, and for other purposes.

S. 2215

At the request of Ms. STABENOW, the names of the Senator from California (Mr. PADILLA) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 2215, a bill to amend the Internal Revenue Code of 1986 to provide for an exclusion for assistance provided to participants in certain veterinary student loan repayment or forgiveness programs.

S. 2512

At the request of Mr. MURPHY, the name of the Senator from Nevada (Ms. ROSEN) was added as a cosponsor of S. 2512, a bill to amend title 28, United States Code, to provide for a code of conduct for justices and judges of the courts of the United States.

S. 2854

At the request of Mr. KENNEDY, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 2854, a bill to allow for the transfer and redemption of abandoned savings bonds.

S. 3262

At the request of Mr. WICKER, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 3262, a bill to improve the efficient movement of freight at ports in the United States, and for other purposes.

S. 3663

At the request of Mr. BLUMENTHAL, the names of the Senator from Massachusetts (Mr. MARKEY) and the Senator from West Virginia (Mrs. CAPITO) were added as cosponsors of S. 3663, a bill to protect the safety of children on the internet.

S. 3742

At the request of Mrs. CAPITO, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 3742, a bill to establish a pilot grant program to improve recycling accessibility, and for other purposes.

S. 3761

At the request of Ms. BALDWIN, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 3761, a bill to support the provision of treatment family care services, and for other purposes.

S. 3817

At the request of Mr. WICKER, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 3817, a bill to improve the forecasting and understanding of tornadoes and other hazardous weather, and for other purposes.

S. 3850

At the request of Mr. PETERS, the name of the Senator from North Dakota (Mr. CRAMER) was added as a cosponsor of S. 3850, a bill to increase the number of U.S. Customs and Border Protection Customs and Border Protection officers and support staff and to require reports that identify staffing, infrastructure, and equipment needed to enhance security at ports of entry.

S. 3931

At the request of Ms. LUMMIS, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 3931, a bill to require the Securities and Exchange Commission to extend exemptions for securities offered as part of employee pay to other individuals providing goods for sale, labor, or services for remuneration, and for other purposes.

S. 3956

At the request of Mr. MERKLEY, the names of the Senator from California (Mr. PADILLA) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. 3956, a bill to direct the Administrator of the Environmental Protection Agency to establish a grant program to improve the effectiveness of education and outreach

on ''Do Not Flush'' labeling, and to require the Federal Trade Commission, in consultation with the Administrator, to issue regulations requiring certain products to have ''Do Not Flush'' labeling, and for other purposes.

S.J. RES. 25

At the request of Mrs. SHAHEEN, the names of the Senator from Colorado (Mr. HICKENLOOPER), the Senator from Vermont (Mr. LEAHY) and the Senator from Massachusetts (Ms. WARREN) were added as cosponsors of S.J. Res. 25, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

S. CON. RES. 10

At the request of Ms. STABENOW, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. Con. Res. 10, a concurrent resolution expressing the sense of Congress that tax-exempt fraternal benefit societies have historically provided and continue to provide critical benefits to the people and communities of the United States.

S. RES. 568

At the request of Mrs. FEINSTEIN, the name of the Senator from Missouri (Mr. HAWLEY) was added as a cosponsor of S. Res. 568, a resolution supporting the goals and ideals of ''Countering International Parental Child Abduction Month'' and expressing the sense of the Senate that Congress should raise awareness of the harm caused by international parental child abduction.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. STABENOW (for herself, Ms. MURKOWSKI, Mr. HEINRICH, Ms. COLLINS, Mr. MANCHIN, Ms. SINEMA, Mrs. GILLIBRAND, Mr. CASEY, Mr. VAN HOLLEN, Ms. SMITH, Mr. BROWN, Ms. BALDWIN, Mr. BOOKER, Mr. LUJÁN, Ms. KLOBUCHAR, Mr. DURBIN, Mr. WARNOCK, Mr. MARKEY, Ms. HIRONO, Ms. DUCKWORTH, Mr. SANDERS, Mr. REED, Mr. LEAHY, Mr. WYDEN, Mrs. SHAHEEN, Ms. HASSAN, Mr. BENNET, Mr. MERKLEY, Ms. WARREN, Mr. PADILLA, Mr. WARNER, Mrs. MURRAY, Mr. CARDIN, Mr. COONS, Ms. CORTEZ MASTO, Mr. CARPER, Mr. SCHATZ, Mr. PETERS, Mr. KING, Mrs. FEINSTEIN, Ms. ROSEN, Mr. MENENDEZ, Mr. KAINE, Mr. BLUMENTHAL, Mr. MURPHY, Mr. HICKENLOOPER, Mr. WHITEHOUSE, Mr. KELLY, Mr. OSSOFF, Mr. TESTER, Mr. SCHUMER, and Ms. CANTWELL):

S. 3979. A bill to amend the Families First Coronavirus Response Act to extend child nutrition waiver authority; to the Committee on Agriculture, Nutrition, and Forestry.

Ms. STABENOW. Mr. President, as the pandemic began, Congress, on a bipartisan basis, made sure our schools and our summer meal programs had easy-to-use flexibilities so they could continue to feed hungry children who were no longer physically in school or no longer able to go to a meal site in the summer because of COVID.

All across America now, because of a lot of hard work on a lot of people's part, our kids are now back in school, which is great. But 90 percent of our schools are still struggling to provide children healthy food as a result of higher food prices, less available staff, and more supply chain delays and shortages that we know about all the time. In fact, part of that relates to this bill which was just passed on shipping. This is part of the supply chain breakdown that has affected the ability for our schools to be able to get what they need for our children.

We have 90 percent—all this in red, across the country—of the States saying: We need these flexibilities that have been in place from the very beginning of COVID. We extended the flexibilities before, and they need them to continue to be able to feed children in our country. School cafeterias, summer meal providers—everybody is working as hard as they can to get back to normal, but they need time to transition so our children aren't hurt in the process. The USDA, school administrators, local mayors, even school food suppliers themselves have said they need these flexibilities to continue for another year.

Back in January, the Agricultural Secretary, Secretary Vilsack, called on Congress to once again extend what we call the nutrition waivers so that schools and meal providers had the flexibility they need to feed hungry children who may have their only meal at school or their only breakfast or their only lunch at school or, in the summer, through the feeding programs.

We have been working in good faith, as we always do, across the aisle to make this extension happens. We were working on having that happen as part of the omnibus. It was a real shock to me and to many of the Senators who care deeply about our children when Republican Leader MCCONNELL refused to agree to extending the school nutrition flexibilities as part of the omnibus bill that we just passed, that we know was critically important to pass. We don't want the government to shut down. We had essential, critical resources for Ukraine and so many other issues. But our kids were left behind in this one, and it is not right. We need to fix it.

We are in a critical transition period right now, but we are not out of the pandemic yet. Without having these flexibilities extended, without this support, up to 30 million children who get their food, their only healthy meals at school will see their breakfast and lunch disrupted, and that makes absolutely no sense. Millions of kids will show up at their summer meal program this July and could very well see a ''closed'' sign.

That is why, today, Senator LISA MURKOWSKI and I are introducing the Support Kids Not Red Tape Act, along with Senator COLLINS and all 50 Members of our Democratic caucus.

Let me stress that this is a temporary extension with a clear end date and a lot of procedures put in place to safely get schools and summer meal programs back to normal operations. We want to give them time to transition.

I am so grateful for our colleagues' support—52 colleagues. We only need eight more. We only need eight more Republicans to join us to get this done right away, just like we did the shipping bill.

Our schools need time. Our kids need time right now rather than having this abruptly end June 30, which is not very far away. So let's be clear. To abruptly pull the lunch tray away from hungry kids at the end of June is just plain wrong.

Since the pandemic started in March 2020, food insecurity for families and their children has jumped by nearly two-thirds. We all know the stories. We have all seen the lines. People across the country are engaging to support each other. One in five kids comes to school hungry, and school and summer programs may be the only meal that they get. During the pandemic, it was even worse. Now, because of all the challenges continuing, we are not out of the woods on this yet in terms of feeding our children.

How have these flexibilities helped our children be able to get healthy meals? One example is in Rapid City, SD, where the local school district has partnered with Meals on Wheels in the summer to deliver meals to where the kids are. It makes sense. This has been a lifesaver for hungry children in their rural communities who had no way to get to the one school meal site that was miles and miles away.

In Arkansas, the food insecurity rate among children skyrocketed to over 32 percent during the pandemic, 32 percent of the children being food insecure, not being able to have a healthy meal.

Fayetteville and Bentonville schools' summer meals programs have provided weekly meal pack pickups with a week's worth of breakfast and lunch. So rather than a parent who is working trying to figure out, how do I get my child to a place to get a healthy breakfast, and by the way, I may have to take them back again for a healthy lunch—by the way, in the rural community, there is not a lot of public transportation. It certainly affects everyone in urban areas, suburban areas, and rural areas, but the distances in rural communities are an extra burden oftentimes. So they put together the capacity to do a week's worth. Those were the flexibilities we gave them that we want to continue.

In Edgecombe County, NC, resourceful schools found a way to get meals to 100 kids during the summer by using

the schoolbus. The schoolbus wasn't being used, so they put the food on a schoolbus and went out to the neighborhoods, out to the kids.

As a result of these flexibilities, twice as many kids got summer meals during the pandemic, which is something we also need to learn from. Just as we have learned the importance of high-speed internet after the pandemic, and we have addressed that, which is great, we have now learned that we need to rethink some of these things here, in terms of the flexibilities for our schools and how we deliver summer meals, how we address schools during the school year.

So it goes to show you what a big difference it makes for hungry kids when we don't make them or their families or their meal providers jump through all kinds of hoops to get something as basic as a healthy meal.

In schools across Kentucky, from smalltown Madison County to metropolis Jefferson County, these flexibilities have kept kids from getting caught in the redtape and going hungry if their struggling parent just missed one piece of paper on a form.

It has been a relief to school food service directors in small towns who are already working with half the staff, twice the stress of putting together healthy meals with all the food and supply chain shortages we have talked about.

Right now, school food service directors in Utah are placing orders for next year, knowing that many of the items they need are currently not available and the ones they can find have doubled in price.

The flexibilities and increased funding to deal with these costs—the things we have given them to deal with this—have made it possible to make substitutions when basic items like ground beef are not available or fruit is not available, to be able to put together something healthy in a different way.

Losing these flexibilities will cut their budgets by 40 percent and force meal providers to make pretty dire choices on which children to feed and how schools are going to pay for it.

Without our bill to support kids and cut redtape, all of these desperately needed flexibilities are going to go away at the end of June. They are just going to go away—all the support for schools, all the support for children, all the new creative things that have been able to be done to help children get healthy meals, done.

School meals, summer programs will have to scale back. Some will have to stop feeding kids altogether. Children will once again go hungry because of paperwork and bureaucracy outside of their control. I mean, you think about this: Are we on the side of bureaucracy or are we on the side of kids?

This legislation is on the side of kids. My colleagues supporting this bill and sponsoring this are on the side of kids, not redtape.

The unnecessary stress is going to be felt by families in every part of our country, from small towns to big cities, to suburban areas. So our bill gives us a clear, easy path forward to make sure children and to make sure schools have the time and the support they need to get back on their feet as we recover from the pandemic and to be able to plan for how this phases out. Schools across the country are telling us that these flexibilities are critical to continuing—absolutely critical.

So it is time for us to listen to them and to do the right thing for our children. I urge my colleagues to pass the Support Kids Not Red Tape Act as soon as possible.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 572—HONORING THE ACCOMPLISHMENTS AND LEGACY OF CÉSAR ESTRADA CHÁVEZ

Mr. MENENDEZ (for himself, Mr. BENNET, Mr. BLUMENTHAL, Mr. BOOKER, Mr. BROWN, Mr. CARDIN, Mr. PADILLA, Ms. CORTEZ MASTO, Mr. LUJÁN, Ms. DUCKWORTH, Mr. DURBIN, Mrs. FEINSTEIN, Mr. HEINRICH, Mr. HICKENLOOPER, Ms. HIRONO, Mr. KELLY, Ms. KLOBUCHAR, Mr. MARKEY, Mrs. MURRAY, Ms. ROSEN, Mr. SANDERS, Ms. SMITH, Mr. VAN HOLLEN, Ms. WARREN, and Mr. WHITEHOUSE) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 572

Whereas César Estrada Chávez was born on March 31, 1927, near Yuma, Arizona;

Whereas César Estrada Chávez spent his early years on a family farm;

Whereas, at the age of 10, César Estrada Chávez joined the thousands of migrant farm workers laboring in fields and vineyards throughout the Southwest after a bank foreclosure resulted in the loss of the family farm;

Whereas César Estrada Chávez, after attending more than 30 elementary and middle schools and achieving an eighth grade education, left school to work full time as a farm worker to help support his family;

Whereas, at the age of 17, César Estrada Chávez entered the United States Navy and served the United States with distinction for 2 years;

Whereas, in 1948, César Estrada Chávez returned from military service to marry Helen Fabela, whom he had met while working in the vineyards of central California;

Whereas César Estrada Chávez and Helen Fabela had 8 children;

Whereas, as early as 1949, César Estrada Chávez was committed to organizing farm workers to campaign for safe and fair working conditions, reasonable wages, livable housing, and outlawing child labor;

Whereas, in 1952, César Estrada Chávez joined the Community Service Organization, a prominent Latino civil rights group, and worked with the organization to coordinate voter registration drives and conduct campaigns against discrimination in East Los Angeles;

Whereas César Estrada Chávez served as the national director of the Community Service Organization;

Whereas, in 1962, César Estrada Chávez left the Community Service Organization to establish the National Farm Workers Association, which eventually became the United Farm Workers of America;

Whereas, under the leadership of César Estrada Chávez, the United Farm Workers of America organized thousands of migrant farm workers to fight for fair wages, health care coverage, pension benefits, livable housing, and respect;

Whereas César Estrada Chávez was a strong believer in the principles of nonviolence practiced by Mahatma Gandhi and Dr. Martin Luther King, Jr.;

Whereas César Estrada Chávez effectively used peaceful tactics that included fasting for 25 days in 1968, 25 days in 1972, and 38 days in 1988 to call attention to the terrible working and living conditions of farm workers in the United States;

Whereas, through his commitment to nonviolence, César Estrada Chávez brought dignity and respect to organized farm workers and became an inspiration to, and a resource for, individuals engaged in human rights struggles throughout the world;

Whereas the influence of César Estrada Chávez extends far beyond agriculture and provides inspiration for individuals working to better human rights, empower workers, and advance the American Dream, which includes all individuals of the United States;

Whereas César Estrada Chávez died on April 23, 1993, at the age of 66 in San Luis, Arizona, only miles from his birthplace;

Whereas more than 50,000 individuals attended the funeral services of César Estrada Chávez in Delano, California;

Whereas César Estrada Chávez was laid to rest at the headquarters of the United Farm Workers of America, known as Nuestra Señora de La Paz, located in the Tehachapi Mountains in Keene, California;

Whereas, since the death of César Estrada Chávez, schools, parks, streets, libraries, and other public facilities, as well as awards and scholarships, have been named in his honor;

Whereas more than 10 States and dozens of communities across the United States honor the life and legacy of César Estrada Chávez each year on March 31;

Whereas March 31 is recognized as an official State holiday in California, Colorado, and Texas, and there is growing support to designate the birthday of César Estrada Chávez as a national day of service to memorialize his heroism;

Whereas, during his lifetime, César Estrada Chávez was a recipient of the Martin Luther King, Jr. Nonviolent Peace Prize;

Whereas, on August 8, 1994, César Estrada Chávez was posthumously awarded the Presidential Medal of Freedom;

Whereas, on October 8, 2012, President Barack Obama authorized the Secretary of the Interior to establish a César Estrada Chávez National Monument in Keene, California;

Whereas President Barack Obama first proclaimed March 31, 2010, to be ''César Chávez Day'' and asked all people of the United States to observe March 31 with service, community, and education programs to honor the enduring legacy of César Estrada Chávez;

Whereas President Joseph R. Biden, Jr. most recently honored the life and service of César Estrada Chávez by proclaiming March 31, 2021, to be ''César Chávez Day'' and by asking all people of the United States to observe March 31 with service, community, and education programs to honor the enduring legacy of César Estrada Chávez; and

Whereas the United States should continue the efforts of César Estrada Chávez to ensure equality, justice, and dignity for all people of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the accomplishments and example of César Estrada Chávez, a great hero of the United States;

(2) pledges to promote the legacy of César Estrada Chávez; and

(3) encourages the people of the United States to commemorate the legacy of César Estrada Chávez and to always remember his great rallying cry: ''¡Sí, se puede!'', which is Spanish for ''Yes, we can!''.

SENATE RESOLUTION 573—TO AUTHORIZE TESTIMONY AND REPRESENTATION IN UNITED STATES V. ROBERTSON, ET AL

Mr. SCHUMER (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 573

Whereas, in the case of *United States v. Robertson, et al.*, Cr. No. 21-34, pending in the United States District Court for the District of Columbia, the prosecution has requested the production of testimony from Daniel Schwager, a former employee of the Office of the Secretary of the Senate, and from Nate Russell and Diego Torres, custodians of records in the Senate Recording Studio, a department of the Office of the Sergeant at Arms and Doorkeeper of the Senate;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent current and former officers and employees of the Senate with respect to any subpoena, order, or request for evidence relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate; and

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Daniel Schwager, a former employee of the Office of the Secretary of the Senate, and Nate Russell and Diego Torres, custodians of records in the Senate Recording Studio, are authorized to provide relevant testimony in the case of *United States v. Robertson, et al.*, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Messrs. Schwager, Russell, and Torres, and any current or former officer or employee of their offices, in connection with the production of evidence authorized in section one of this resolution.

SENATE RESOLUTION 574—DESIGNATING MAY 2, 2022, AS ''DR. JOHN E. FRYER DAY''

Mr. CASEY (for himself and Ms. BALDWIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 574

Whereas Dr. John E. Fryer practiced psychiatry in Philadelphia, Pennsylvania, from 1967 to 2003, and was a professor of psychiatry and family and community medicine at Temple University School of Medicine;

Whereas, beginning in 1952, the American Psychiatric Association (referred to in this preamble as the ''APA'') classified homosexuality as a mental disorder in the Diagnostic and Statistical Manual (referred to in this preamble as the ''DSM'') and in the revised DSM-II;

Whereas, as a result of the classification and resulting therapeutic protocol, homosexuals in the United States were subject to chemical castration, electric shock therapy, mental institutionalization, and lobotomies;

Whereas the classification was used to demonize homosexuals and other non-heterosexuals as perverts to be feared and loathed and to buttress homophobic statutes and regulations;

Whereas many States would not grant professional licenses to known homosexuals and would revoke licenses from individuals who were later found to be homosexual;

Whereas, in 1971, gay rights pioneers Frank Kameny and Barbara Gittings successfully petitioned the APA for a panel on homosexuality at the APA annual meeting;

Whereas Kameny and Gittings sought to have a gay psychiatrist on the panel, but no one would risk losing their license and professional standing by admitting publicly to being homosexual;

Whereas Dr. Fryer agreed to appear on the panel under the pseudonym of Dr. Henry Anonymous, while in a mask and using a voice modulator;

Whereas Dr. Fryer's testimony on May 2, 1972, at the APA annual meeting was so powerful that the APA undertook studies to determine whether the classification of homosexuality as a mental illness was based on science or prejudice;

Whereas, in 1973, after study and review, the members of the APA voted to declassify homosexuality as a mental illness;

Whereas, as a result of Dr. John E. Fryer's courage and articulate presentation as the first psychiatrist in the United States to speak publicly about his homosexuality, the course of civil rights for individuals who are lesbian, gay, bisexual, transgender, and queer (referred to in this preamble as ''LGBTQ'') was seminally advanced;

Whereas, during the human immunodeficiency virus and acquired immunodeficiency syndrome (referred to in this preamble ''HIV/AIDS'') crisis, Dr. John Fryer was among the first, if not the first, psychiatrists to provide professional services to individuals with HIV/AIDS and individuals who had lost loved ones to HIV/AIDS;

Whereas Dr. John Fryer's contributions to the LGBTQ community have been adapted into the celebrated theater production entitled ''217 Boxes of Dr. Henry Anonymous'' and the movie ''CURED'';

Whereas the Philadelphia Historical Commission has designated the John. E. Fryer House at 138 West Walnut Lane, Philadelphia, Pennsylvania, as historic in the Philadelphia Register of Historic Places;

Whereas the Philadelphia City Council proclaimed May 2, 2022, as John Fryer Day in the city of Philadelphia to mark the 50th anniversary of his testimony on homosexuality at the 1972 APA annual meeting and to commemorate his momentous and seminal LGBTQ civil rights activism; and

Whereas Dr. John Fryer is a civil rights hero and was designated by the Equality Forum as an LGBT History Month Icon in 2016: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 2, 2022, as ''Dr. John E. Fryer Day''; and

(2) encourages the Federal Government, States, and localities to continue supporting the teaching of lesbian, gay, bisexual, transgender, and queer (referred to in this resolution as ''LGBTQ'') history, including the contributions of Dr. John E. Fryer and other LGBTQ civil rights heroes.

SENATE CONCURRENT RESOLUTION 35—SUPPORTING THE GOALS AND IDEALS OF INTERNATIONAL TRANSGENDER DAY OF VISIBILITY

Mr. SCHATZ (for himself, Mr. MARKEY, Mr. CASEY, Ms. HIRONO, Ms. WARREN, Ms. BALDWIN, Ms. DUCKWORTH, Mr. BOOKER, Ms. CORTEZ MASTO, Ms. ROSEN, Mr. CARPER, Mr. BLUMENTHAL, Mrs. MURRAY, Mr. WYDEN, Mr. WHITEHOUSE, Mr. BENNET, Mr. HEINRICH, Mrs. FEINSTEIN, and Mr. MURPHY) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 35

Whereas International Transgender Day of Visibility was founded in 2009 to honor the achievements and contributions of the transgender community;

Whereas International Transgender Day of Visibility is designed to be encompassing of a large community of individuals, including individuals who identify as nonbinary, gender-nonconforming, and gender-diverse;

Whereas International Transgender Day of Visibility is a time to celebrate the lives and achievements of transgender, nonbinary, gender-nonconforming, and gender-diverse individuals around the world, and to recognize the bravery it takes to live openly and authentically;

Whereas International Transgender Day of Visibility is also a time to raise awareness of the discrimination and violence that the transgender community still faces, which make it difficult and even unsafe or fatal for many transgender individuals to be visible;

Whereas the transgender community has suffered oppression disproportionately in many ways, including—

(1) discrimination in the workplace;

(2) discrimination in educational institutions; and

(3) subjection to violence;

Whereas forms of transgender oppression are exacerbated for transgender individuals of color, individuals with limited resources, immigrants, individuals living with disabilities, justice-involved individuals, and transgender youth;

Whereas a record number of anti-transgender State bills have been introduced in recent years;

Whereas the transgender community has made it clear that transgender individuals will not be erased and deserve to be accorded all of the rights and opportunities made available to all;

Whereas, before the creation of the United States, Indigenous two-spirit, transgender, nonbinary, gender-nonconforming, and gender-diverse individuals existed across North America in many Native American communities;

Whereas many Native American communities have specific terms in their own languages for the gender-variant members of their communities and the social and spiritual roles these individuals fulfill;

Whereas, while many two-spirit and gender-variant traditions in Native American communities were lost or actively suppressed by the efforts of missionaries, government agents, boarding schools, and settlers, many of these traditions have seen a revival in recent decades;

Whereas transgender, nonbinary, gender-nonconforming, and gender-diverse individuals continue to bravely tell their stories and push for full equity under the law;

Whereas the civil-rights struggle has been strengthened and inspired by the leadership of the transgender community;

Whereas 23 States have at least 1 transgender elected official, and there are 12 transgender, gender-nonconforming, or nonbinary elected officials in State legislatures, including—

(1) Danica Roem;
(2) Gerri Cannon;
(3) Cesar Chavez;
(4) Brianna Titone;
(5) Lisa Bunker;
(6) Joshua Query;
(7) Sarah McBride;
(8) Stephanie Byers;
(9) Taylor Small;
(10) Mauree Turner;
(11) Stacie Laughton; and
(12) Mike Simmons;

Whereas voters in the State of Delaware elected Sarah McBride as the first openly transgender State senator in the United States;

Whereas voters in the State of Oklahoma elected Mauree Turner as the first openly nonbinary State legislator in the United States;

Whereas, in the State of Illinois, Mike Simmons became the first openly nonbinary or gender-nonconforming State senator in the United States;

Whereas 4 States have a transgender jurist on the bench, including—

(1) Judge Phyllis Frye of Texas;
(2) Judge Victoria Kolakowski of California;
(3) Commissioner Tracy Nadzieja of Arizona; and
(4) Judge Jill Rose Quinn of Illinois;

Whereas Admiral Rachel L. Levine, MD, was the first openly transgender Federal official confirmed by the United States Senate and is the highest ranking openly transgender Federal Government official in the history of the United States;

Whereas Stella Keating became the first transgender teen to testify before the United States Senate;

Whereas more transgender individuals are gracing the covers of magazines to raise awareness of their gender identity and the importance of living authentically;

Whereas transgender individuals have created culture and history as artists, musicians, healers, workers, and organizers; and

Whereas International Transgender Day of Visibility is a time to celebrate the transgender community around the world: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Senate—

(1) supports the goals and ideals of International Transgender Day of Visibility;

(2) encourages the people of the United States to observe International Transgender Day of Visibility with appropriate ceremonies, programs, and activities;

(3) celebrates the accomplishments and leadership of transgender, nonbinary, gender-nonconforming, and gender-diverse individuals; and

(4) recognizes the bravery of the transgender community as it fights for equal dignity and respect.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5017. Mr. SCHUMER (for Ms. CANTWELL (for herself, Mr. WICKER, Ms. KLOBUCHAR, and Mr. THUNE)) proposed an amendment to the bill S. 3580, to amend title 46, United States Code, with respect to prohibited acts by ocean common carriers or marine terminal operators, and for other purposes.

TEXT OF AMENDMENTS

SA 5017. Mr. SCHUMER (for Ms. CANTWELL (for herself, Mr. WICKER, Ms. KLOBUCHAR, and Mr. THUNE)) proposed an amendment to the bill S. 3580, to amend title 46, United States Code, with respect to prohibited acts by ocean common carriers or marine terminal operators, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Ocean Shipping Reform Act of 2022''.

SEC. 2. PURPOSES.

Section 40101 of title 46, United States Code, is amended—

(1) by striking paragraph (2) and inserting the following:

''(2) ensure an efficient, competitive, and economical transportation system in the ocean commerce of the United States;'';

(2) in paragraph (3), by inserting ''and supporting commerce'' after ''needs''; and

(3) by striking paragraph (4) and inserting the following:

''(4) promote the growth and development of United States exports through a competitive and efficient system for the carriage of goods by water in the foreign commerce of the United States, and by placing a greater reliance on the marketplace.''.

SEC. 3. SERVICE CONTRACTS.

Section 40502(c) of title 46, United States Code, is amended—

(1) in paragraph (7), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (8), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(9) any other essential terms that the Federal Maritime Commission determines necessary or appropriate through a rulemaking process.''.

SEC. 4. SHIPPING EXCHANGE REGISTRY.

(a) IN GENERAL.—Chapter 405 of title 46, United States Code, is amended by adding at the end the following:

''§ 40504. Shipping exchange registry

''(a) IN GENERAL.—No person may operate a shipping exchange involving ocean transportation in the foreign commerce of the United States unless the shipping exchange is registered as a national shipping exchange under the terms and conditions provided in this section and the regulations issued pursuant to this section.

''(b) REGISTRATION.—A person shall register a shipping exchange by filing with the Federal Maritime Commission an application for registration in such form as the Commission, by rule, may prescribe, containing the rules of the exchange and such other information and documents as the Commission, by rule, may prescribe as necessary or appropriate to complete a shipping exchange's registration.

''(c) EXEMPTION.—The Commission may exempt, conditionally or unconditionally, a shipping exchange from registration under this section if the Commission finds that the shipping exchange is subject to comparable, comprehensive supervision and regulation by the appropriate governmental authorities in a foreign country where the shipping exchange is headquartered.

''(d) REGULATIONS.—Not later than 3 years after the date of enactment of the Ocean Shipping Reform Act of 2022, the Commission shall issue regulations pursuant to subsection (a), which shall set standards necessary to carry out subtitle IV of this title for registered national shipping exchanges. For consideration of a service contract entered into by a shipping exchange, the Commission shall be limited to the minimum essential terms for service contracts established under section 40502 of this title.

''(e) DEFINITION OF SHIPPING EXCHANGE.—In this section, the term 'shipping exchange' means a platform (digital, over-the-counter, or otherwise) that connects shippers with common carriers for the purpose of entering into underlying agreements or contracts for the transport of cargo, by vessel or other modes of transportation.''.

(b) APPLICABILITY.—The registration requirement under section 40504 of title 46, United States Code (as added by subsection (a)), shall take effect on the date on which the Federal Maritime Commission states the rule is effective in the regulations issued under such section.

(c) CLERICAL AMENDMENT.—The analysis for chapter 405 of title 46, United States Code, is amended by adding at the end the following:

''40504. Shipping exchange registry.''.

SEC. 5. PROHIBITION ON RETALIATION.

Section 41102 of title 46, United States Code, is amended by adding at the end the following:

''(d) RETALIATION AND OTHER DISCRIMINATORY ACTIONS.—A common carrier, marine terminal operator, or ocean transportation intermediary, acting alone or in conjunction with any other person, directly or indirectly, may not—

''(1) retaliate against a shipper, an agent of a shipper, an ocean transportation intermediary, or a motor carrier by refusing, or threatening to refuse, an otherwise-available cargo space accommodation; or

''(2) resort to any other unfair or unjustly discriminatory action for—

''(A) the reason that a shipper, an agent of a shipper, an ocean transportation intermediary, or motor carrier has—

''(i) patronized another carrier; or

''(ii) filed a complaint against the common carrier, marine terminal operator, or ocean transportation intermediary; or

''(B) any other reason.''.

SEC. 6. PUBLIC DISCLOSURE.

Section 46106 of title 46, United States Code, is amended by adding at the end the following:

''(d) PUBLIC DISCLOSURES.—The Federal Maritime Commission shall publish, and annually update, on the website of the Commission—

''(1) all findings by the Commission of false detention and demurrage invoice information by common carriers under section 41104(a)(15) of this title; and

''(2) all penalties imposed or assessed against common carriers, as applicable, under sections 41107, 41108, and 41109, listed by each common carrier.''.

SEC. 7. COMMON CARRIERS.

(a) IN GENERAL.—Section 41104 of title 46, United States Code, is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''may not'' and inserting ''shall not'';

(B) by striking paragraph (3) and inserting the following:

''(3) unreasonably refuse cargo space accommodations when available, or resort to other unfair or unjustly discriminatory methods;'';

(C) in paragraph (5), by striking'' in the matter of rates or charges'' and inserting ''against any commodity group or type of shipment or in the matter of rates or charges'';

(D) in paragraph (10), by adding '', including with respect to vessel space accommodations provided by an ocean common carrier'' after ''negotiate'';

(E) in paragraph (12) by striking ''; or'' and inserting a semicolon;

(F) in paragraph (13) by striking the period and inserting a semicolon; and

(G) by adding at the end the following:

''(14) assess any party for a charge that is inconsistent or does not comply with all applicable provisions and regulations, including subsection (c) of section 41102 or part 545 of title 46, Code of Federal Regulations (or successor regulations);

''(15) invoice any party for demurrage or detention charges unless the invoice includes information as described in subsection (d) showing that such charges comply with—

''(A) all provisions of part 545 of title 46, Code of Federal Regulations (or successor regulations); and

''(B) applicable provisions and regulations, including the principles of the final rule published on May 18, 2020, entitled 'Interpretive Rule on Demurrage and Detention Under the Shipping Act' (or successor rule); or

''(16) for service pursuant to a service contract, give any undue or unreasonable preference or advantage or impose any undue or unreasonable prejudice or disadvantage against any commodity group or type of shipment.''; and

(2) by adding at the end the following:

''(d) DETENTION AND DEMURRAGE INVOICE INFORMATION.—

''(1) INACCURATE INVOICE.—If the Commission determines, after an investigation in response to a submission under section 41310, that an invoice under subsection (a)(15) was inaccurate or false, penalties or refunds under section 41107 shall be applied.

''(2) CONTENTS OF INVOICE.—An invoice under subsection (a)(15), unless otherwise determined by subsequent Commission rulemaking, shall include accurate information on each of the following, as well as minimum information as determined by the Commission:

''(A) Date that container is made available.

''(B) The port of discharge.

''(C) The container number or numbers.

''(D) For exported shipments, the earliest return date.

''(E) The allowed free time in days.

''(F) The start date of free time.

''(G) The end date of free time.

''(H) The applicable detention or demurrage rule on which the daily rate is based.

''(I) The applicable rate or rates per the applicable rule.

''(J) The total amount due.

''(K) The email, telephone number, or other appropriate contact information for questions or requests for mitigation of fees.

''(L) A statement that the charges are consistent with any of Federal Maritime Commission rules with respect to detention and demurrage.

''(M) A statement that the common carrier's performance did not cause or contribute to the underlying invoiced charges.

''(e) SAFE HARBOR.—If a non-vessel operating common carrier passes through to the relevant shipper an invoice made by the ocean common carrier, and the Commission finds that the non-vessel operating common carrier is not otherwise responsible for the charge, then the ocean common carrier shall be subject to refunds or penalties pursuant to subsection (d)(1).

''(f) ELIMINATION OF CHARGE OBLIGATION.—Failure to include the information required under subsection (d) on an invoice with any demurrage or detention charge shall eliminate any obligation of the charged party to pay the applicable charge.''.

(b) RULEMAKING ON DEMURRAGE OR DETENTION.—

(1) IN GENERAL.—Not later than 45 days after the date of enactment of this Act, the Federal Maritime Commission shall initiate a rulemaking further defining prohibited practices by common carriers, marine terminal operators, shippers, and ocean transportation intermediaries under section 41102(c) of title 46, United States Code, regarding the assessment of demurrage or detention charges. The Federal Maritime Commission shall issue a final rule defining such practices not later than 1 year after the date of enactment of this Act.

(2) CONTENTS.—The rule under paragraph (1) shall only seek to further clarify reasonable rules and practices related to the assessment of detention and demurrage charges to address the issues identified in the final rule published on May 18, 2020, entitled ''Interpretive Rule on Demurrage and Detention Under the Shipping Act'' (or successor rule), including a determination of which parties may be appropriately billed for any demurrage, detention, or other similar per container charges.

(c) RULEMAKING ON UNFAIR OR UNJUSTLY DISCRIMINATORY METHODS.—Not later than 60 days after the date of enactment of this Act, the Federal Maritime Commission shall initiate a rulemaking defining unfair or unjustly discriminatory methods under section 41104(a)(3) of title 46, United States Code, as amended by this section. The Federal Maritime Commission shall issue a final rule not later than 1 year after the date of enactment of this Act.

(d) RULEMAKING ON UNREASONABLE REFUSAL TO DEAL OR NEGOTIATE WITH RESPECT TO VESSEL SPACE ACCOMMODATIONS.—Not later than 30 days after the date of enactment of this Act, the Federal Maritime Commission, in consultation with the Commandant of the United States Coast Guard, shall initiate a rulemaking defining unreasonable refusal to deal or negotiate with respect to vessel space under section 41104(a)(10) of title 46, as amended by this section. The Federal Maritime Commission shall issue a final rule not later than 6 months after the date of enactment of this Act.

SEC. 8. ASSESSMENT OF PENALTIES OR REFUNDS.

(a) IN GENERAL.—Title 46, United States Code, is amended—

(1) in section 41107—

(A) in the section heading, by inserting ''**or refunds**'' after ''**penalties**'';

(B) in subsection (a), by inserting ''or, in addition to or in lieu of a civil penalty, is liable for the refund of a charge'' after ''civil penalty''; and

(C) in subsection (b), by inserting ''or, in addition to or in lieu of a civil penalty, the refund of a charge,'' after ''civil penalty''; and

(2) section 41109 is amended—

(A) by striking subsections (a) and (b) and inserting the following:

''(a) GENERAL AUTHORITY.—Until a matter is referred to the Attorney General, the Federal Maritime Commission may—

''(1) after notice and opportunity for a hearing, in accordance with this part—

''(A) assess a civil penalty; or

''(B) in addition to, or in lieu of, assessing a civil penalty under subparagraph (A), order a refund of money (including additional amounts in accordance with section 41305(c)), subject to subsection (b)(2); and

''(2) compromise, modify, or remit, with or without conditions, a civil penalty or refund imposed under paragraph (1).

''(b) DETERMINATION OF AMOUNT.—

''(1) FACTORS FOR CONSIDERATION.—In determining the amount of a civil penalty assessed or refund of money ordered pursuant to subsection (a), the Federal Maritime Commission shall take into consideration—

''(A) the nature, circumstances, extent, and gravity of the violation committed;

''(B) with respect to the violator—

''(i) the degree of culpability;

''(ii) any history of prior offenses;

''(iii) the ability to pay; and

''(iv) such other matters as justice may require; and

''(C) the amount of any refund of money ordered pursuant to subsection (a)(1)(B).

''(2) COMMENSURATE REDUCTION IN CIVIL PENALTY.—

''(A) IN GENERAL.—In any case in which the Federal Maritime Commission orders a refund of money pursuant to subsection (a)(1)(B) in addition to assessing a civil penalty pursuant to subsection (a)(1)(A), the amount of the civil penalty assessed shall be decreased by any additional amounts included in the refund of money in excess of the actual injury (as defined in section 41305(a)).

''(B) TREATMENT OF REFUNDS.—A refund of money ordered pursuant to subsection (a)(1)(B) shall be—

''(i) considered to be compensation paid to the applicable claimant; and

''(ii) deducted from the total amount of damages awarded to that claimant in a civil action against the violator relating to the applicable violation.'';

(B) in subsection (c), by striking ''may not be imposed'' and inserting ''or refund of money under subparagraph (A) or (B), respectively, of subsection (a)(1) may not be imposed'';

(C) in subsection (e), by inserting ''or order a refund of money'' after ''penalty'';

(D) in subsection (f), by inserting '', or that is ordered to refund money,'' after ''assessed''; and

(E) in subsection (g), in the first sentence, by inserting ''or a refund required under this section'' after ''penalty''.

SEC. 9. DATA COLLECTION.

(a) IN GENERAL.—Chapter 411 of title 46, United States Code, is amended by adding at the end the following:

''§ 41110. Data collection

''The Federal Maritime Commission shall publish on its website a calendar quarterly report that describes the total import and export tonnage and the total loaded and empty 20-foot equivalent units per vessel (making port in the United States, including any territory or possession of the United States) operated by each ocean common carrier covered under this chapter. Ocean common carriers under this chapter shall provide to the Commission all necessary information, as determined by the Commission, for completion of this report.''.

(b) RULE OF CONSTRUCTION.—Nothing in this section, and the amendment made by this section, shall be construed to compel the public disclosure of any confidential or proprietary data, in accordance with section 552(b)(4) of title 5, United States Code.

(c) CLERICAL AMENDMENT.—The analysis for chapter 411 of title 46, United States Code, is amended by adding at the end the following:

''41110. Data collection.''.

SEC. 10. CHARGE COMPLAINTS.

(a) IN GENERAL.—Chapter 413 of title 46, United States Code, is amended by adding at the end the following:

''§ 41310. Charge complaints

''(a) IN GENERAL.—A person may submit to the Federal Maritime Commission, and the Commission shall accept, information concerning complaints about charges assessed by a common carrier. The information submitted to the Commission shall include the bill of lading numbers and invoices, and may include any other relevant information.

''(b) INVESTIGATION.—Upon receipt of a submission under subsection (a), with respect to

a charge assessed by a common carrier, the Commission shall promptly investigate the charge with regard to compliance with section 41104(a) and section 41102. The common carrier shall—

''(1) be provided an opportunity to submit additional information related to the charge in question; and

''(2) bear the burden of establishing the reasonableness of any demurrage or detention charges pursuant to section 545.5 of title 46, Code of Federal Regulations (or successor regulations).

''(c) REFUND.—Upon receipt of submissions under subsection (a), if the Commission determines that a charge does not comply with section 41104(a) or 41102, the Commission shall promptly order the refund of charges paid.

''(d) PENALTIES.—In the event of a finding that a charge does not comply with section 41104(a) or 41102 after submission under subsection (a), a civil penalty under section 41107 shall be applied to the common carrier making such charge.

''(e) CONSIDERATIONS.—If the common carrier assessing the charge is acting in the capacity of a non-vessel-operating common carrier, the Commission shall, while conducting an investigation under subsection (b), consider—

''(1) whether the non-vessel-operating common carrier is responsible for the noncompliant assessment of the charge, in whole or in part; and

''(2) whether another party is ultimately responsible in whole or in part and potentially subject to action under subsections (c) and (d).''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 413 of title 46, United States Code, is amended by adding at the end the following:

''41310. Charge complaints.''.

SEC. 11. INVESTIGATIONS.

(a) AMENDMENTS.—Section 41302 of title 46, United States Code, is amended—

(1) in subsection (a), in the first sentence, by striking ''or agreement'' and inserting ''agreement, fee, or charge''; and

(2) in subsection (b)—

(A) in the subsection heading, by striking ''**Agreement**'' and inserting ''**Agreement, fee, or charge**''; and

(B) by inserting '', fee, or charge'' after ''agreement''.

(b) REPORT.—The Federal Maritime Commission shall publish on a publicly available website of the Commission a report containing the results of the investigation entitled ''Fact Finding No. 29, International Ocean Transportation Supply Chain Engagement''.

SEC. 12. AWARD OF ADDITIONAL AMOUNTS.

Section 41305(c) of title 46, United States Code is amended by striking ''41102(b)'' and inserting ''subsection (b) or (c) of section 41102''.

SEC. 13. ENFORCEMENT OF REPARATION ORDERS.

Section 41309 of title 46, United States Code, is amended—

(1) in subsection (a), by striking ''reparation, the person to whom the award was made'' and inserting ''a refund of money or reparation, the person to which the refund or reparation was awarded''; and

(2) in subsection (b), in the first sentence—

(A) by striking ''made an award of reparation'' and inserting ''ordered a refund of money or any other award of reparation''; and

(B) by inserting ''(except for the Commission or any component of the Commission)'' after ''parties in the order''.

SEC. 14. ANNUAL REPORT TO CONGRESS.

Section 46106(b) of title 46, United States Code, is amended—

(1) in paragraph (5), by striking ''and'' at the end;

(2) in paragraph (6), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(7) an identification of any otherwise concerning practices by ocean common carriers, particularly such carriers that are controlled carriers, that are—

''(A) State-owned or State-controlled enterprises; or

''(B) owned or controlled by, a subsidiary of, or otherwise related legally or financially (other than a minority relationship or investment) to a corporation based in a country—

''(i) identified as a nonmarket economy country (as defined in section 771(18) of the Tariff Act of 1930 (19 U.S.C. 1677(18))) as of the date of enactment of this paragraph;

''(ii) identified by the United States Trade Representative in the most recent report required by section 182 of the Trade Act of 1974 (19 U.S.C. 2242) as a priority foreign country under subsection (a)(2) of that section; or

''(iii) subject to monitoring by the United States Trade Representative under section 306 of the Trade Act of 1974 (19 U.S.C. 2416).''.

SEC. 15. TECHNICAL AMENDMENTS.

(a) Section 41108(a) of title 46, United States Code, is amended by striking ''section 41104(1), (2), or (7)'' and inserting ''paragraph (1), (2), or (7) of section 41104(a)''.

(b) Section 41109(c) of title 46, United States Code, as amended by section 8 of this Act, is further amended by striking ''section 41102(a) or 41104(1) or (2) of this title'' and inserting ''subsection (a) or (d) of section 41102 or paragraph (1) or (2) of section 41104(a)''.

(c) Section 41305 of title 46, United States Code, as amended by section 12 of this Act, is further amended—

(1) in subsection (c), by striking ''41104(3) or (6), or 41105(1) or (3) of this title'' and inserting ''paragraph (3) or (6) of section 41104(a), or paragraph (1) or (3) of section 41105''; and

(2) in subsection (d), by striking ''section 41104(4)(A) or (B) of this title'' and inserting ''subparagraph (A) or (B) of section 41104(a)(4)''.

SEC. 16. DWELL TIME STATISTICS.

(a) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term ''Director'' means the Director of the Bureau of Transportation Statistics.

(2) MARINE CONTAINER.—The term ''marine container'' means an intermodal container with a length of—

(A) not less than 20 feet; and

(B) not greater than 45 feet.

(3) OUT OF SERVICE PERCENTAGE.—The term ''out of service percentage'' means the proportion of the chassis fleet for any defined geographical area that is out of service at any one time.

(4) STREET DWELL TIME.—The term ''street dwell time'', with respect to a piece of equipment, means the quantity of time during which the piece of equipment is in use outside of the terminal.

(b) AUTHORITY TO COLLECT DATA.—

(1) IN GENERAL.—Each port, marine terminal operator, and chassis owner or provider with a fleet of over 50 chassis that supply chassis for a fee shall submit to the Director such data as the Director determines to be necessary for the implementation of this section, subject to subchapter III of chapter 35 of title 44, United States Code.

(2) APPROVAL BY OMB.—Subject to the availability of appropriations, not later than 60 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall approve an information collection for purposes of this section.

(c) PUBLICATION.—Subject to the availability of appropriations, not later than 240 days after the date of enactment of this Act, and not less frequently than monthly thereafter, the Director shall publish statistics relating to the dwell time of equipment used in intermodal transportation at the top 25 ports, including inland ports, by 20-foot equivalent unit, including—

(1) total street dwell time, from all causes, of marine containers and marine container chassis; and

(2) the average out of service percentage, which shall not be identifiable with any particular port, marine terminal operator, or chassis provider.

(d) FACTORS.—Subject to the availability of appropriations, to the maximum extent practicable, the Director shall publish the statistics described in subsection (c) on a local, regional, and national basis.

(e) SUNSET.—The authority under this section shall expire December 31, 2026.

SEC. 17. FEDERAL MARITIME COMMISSION ACTIVITIES.

(a) PUBLIC SUBMISSIONS TO COMMISSION.—The Federal Maritime Commission shall—

(1) establish on the public website of the Commission a webpage that allows for the submission of comments, complaints, concerns, reports of noncompliance, requests for investigation, and requests for alternative dispute resolution; and

(2) direct each submission under the link established under paragraph (1) to the appropriate component office of the Commission.

(b) AUTHORIZATION OF OFFICE OF CONSUMER AFFAIRS AND DISPUTE RESOLUTION SERVICES.—The Commission shall maintain an Office of Consumer Affairs and Dispute Resolution Services to provide nonadjudicative ombuds assistance, mediation, facilitation, and arbitration to resolve challenges and disputes involving cargo shipments, household good shipments, and cruises subject to the jurisdiction of the Commission.

(c) ENHANCING CAPACITY FOR INVESTIGATIONS.—

(1) IN GENERAL.—Pursuant to section 41302 of title 46, United States Code, not later than 18 months after the date of enactment of this Act, the Chairperson of the Commission shall staff within the Bureau of Enforcement, the Bureau of Certification and Licensing, the Office of the Managing Director, the Office of Consumer Affairs and Dispute Resolution Services, and the Bureau of Trade Analysis not fewer than 7 total positions to assist in investigations and oversight, in addition to the positions within the Bureau of Enforcement, the Bureau of Certification and Licensing, the Office of the Managing Director, the Office of Consumer Affairs and Dispute Resolution Services, and the Bureau of Trade Analysis on that date of enactment.

(2) DUTIES.—The additional staff appointed under paragraph (1) shall provide support—

(A) to Area Representatives of the Bureau of Enforcement;

(B) to attorneys of the Bureau of Enforcement in enforcing the laws and regulations subject to the jurisdiction of the Commission;

(C) for the alternative dispute resolution services of the Commission; or

(D) for the review of agreements and activities subject to the authority of the Commission.

SEC. 18. TEMPORARY EMERGENCY AUTHORITY.

(a) DEFINITIONS.—In this section:

(1) COMMON CARRIER.—The term ''common carrier'' has the meaning given the term in section 40102 of title 46, United States Code.

(2) MOTOR CARRIER.—The term ''motor carrier'' has the meaning given the term in section 13102 of title 49, United States Code.

(3) RAIL CARRIER.—The term ''rail carrier'' has the meaning given the term in section 10102 of title 49, United States Code.

(4) SHIPPER.—The term ''shipper'' has the meaning given the term in section 40102 of title 46, United States Code.

(b) PUBLIC INPUT ON INFORMATION SHARING.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Federal Maritime Commission shall issue a request for information, seeking public comment regarding—

(A) whether congestion of the carriage of goods has created an emergency situation of a magnitude such that there exists a substantial, adverse effect on the competitiveness and reliability of the international ocean transportation supply system;

(B) whether an emergency order under this section would alleviate such an emergency situation; and

(C) the appropriate scope of such an emergency order, if applicable.

(2) CONSULTATION.—During the public comment period under paragraph (1), the Commission may consult, as the Commission determines to be appropriate, with—

(A) other Federal departments and agencies; and

(B) persons with expertise relating to maritime and freight operations.

(c) AUTHORITY TO REQUIRE INFORMATION SHARING.—On making a unanimous determination described in subsection (d), the Commission may issue an emergency order requiring any common carrier or marine terminal operator to share directly with relevant shippers, rail carriers, or motor carriers information relating to cargo throughput and availability, in order to ensure the efficient transportation, loading, and unloading of cargo to or from—

(1) any inland destination or point of origin;

(2) any vessel; or

(3) any point on a wharf or terminal.

(d) DESCRIPTION OF DETERMINATION.—

(1) IN GENERAL.—A determination referred to in subsection (c) is a unanimous determination by the commissioners on the Commission that congestion of carriage of goods has created an emergency situation of a magnitude such that there exists a substantial, adverse effect on the competitiveness and reliability of the international ocean transportation supply system.

(2) FACTORS FOR CONSIDERATION.—In issuing an emergency order pursuant to subsection (c), the Commission shall tailor the emergency order with respect to temporal and geographic scope, taking into consideration the likely burdens on common carriers and marine terminal operators and the likely benefits on congestion relating to the purposes described in section 40101 of title 46, United States Code.

(e) PETITIONS FOR EXCEPTION.—

(1) IN GENERAL.—A common carrier or marine terminal operator subject to an emergency order issued pursuant to this section may submit to the Commission a petition for exception from 1 or more requirements of the emergency order, based on a showing of undue hardship or other condition rendering compliance with such a requirement impracticable.

(2) DETERMINATION.—The Commission shall make a determination regarding a petition for exception under paragraph (1) by—

(A) majority vote; and

(B) not later than 21 days after the date on which the petition is submitted.

(3) INAPPLICABILITY PENDING REVIEW.—The requirements of an emergency order that is the subject of a petition for exception under this subsection shall not apply to the petitioner during the period for which the petition is pending.

(f) LIMITATIONS.—

(1) TERM.—An emergency order issued pursuant to this section—

(A) shall remain in effect for a period of not longer than 60 days; but

(B) may be renewed by a unanimous determination of the Commission.

(2) SUNSET.—The authority provided by this section shall terminate on the date that is 18 months after the date of enactment of this Act.

(3) INVESTIGATIVE AUTHORITY UNAFFECTED.—Nothing in this section shall affect the investigative authorities of the Commission as described in subpart R of part 502 of title 46, Code of Federal Regulations.

SEC. 19. BEST PRACTICES FOR CHASSIS POOLS.

(a) IN GENERAL.—Not later than April 1, 2023, the Federal Maritime Commission shall enter into an agreement with the Transportation Research Board of the National Academies of Sciences, Engineering, and Medicine under which the Transportation Research Board shall carry out a study and develop best practices for on-terminal or near-terminal chassis pools that provide service to marine terminal operators, motor carriers, railroads, and other stakeholders that use the chassis pools, with the goal of optimizing supply chain efficiency and effectiveness.

(b) REQUIREMENTS.—In developing best practices under subsection (a), the Transportation Research Board shall—

(1) take into consideration—

(A) practical obstacles to the implementation of chassis pools; and

(B) potential solutions to those obstacles; and

(2) address relevant communication practices, information sharing, and knowledge management.

(c) PUBLICATION.—The Commission shall publish the best practices developed under this section on a publicly available website by not later than April 1, 2024.

(d) FUNDING.—Subject to appropriations, the Commission may expend such sums as are necessary, but not to exceed $500,000, to carry out this section.

SEC. 20. LICENSING TESTING.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Motor Carrier Safety Administration (referred to in this section as the ''Administrator'') shall conduct a review of the discretionary waiver authority described in the document issued by the Administrator entitled ''Waiver for States Concerning Third Party CDL Skills Test Examiners In Response to the COVID–19 Emergency'' and dated August 31, 2021, for safety concerns.

(b) PERMANENT WAIVER.—If the Administrator finds no safety concerns after conducting a review under subsection (a), the Administrator shall—

(1) notwithstanding any other provision of law, make the waiver permanent; and

(2) not later than 90 days after completing the review under subsection (a), revise section 384.228 of title 49, Code of Federal Regulations, to provide that the discretionary waiver authority referred to in subsection (a) shall be permanent.

(c) REPORT.—If the Administrator declines to move forward with a rulemaking for revision under subsection (b), the Administrator shall explain the reasons for declining to move forward with the rulemaking in a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 21. PLANNING.

(a) AMENDMENT.—Section 6702(g) of title 49, United States Code, is amended—

(1) by striking ''Of the amounts'' and inserting the following:

''(1) IN GENERAL.—Of the amounts''; and

(2) by adding at the end the following:

''(2) NONAPPLICABILITY OF CERTAIN LIMITATIONS.—Subparagraphs (A) and (B) of subsection (c)(2) shall not apply with respect to amounts made available for planning, preparation, or design under paragraph (1).''.

(b) EMERGENCY DESIGNATION.—Amounts for which outlays are affected under the amendments made by subsection (a) that were previously designated by the Congress as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

SEC. 22. REVIEW OF POTENTIAL DISCRIMINATION AGAINST TRANSPORTATION OF QUALIFIED HAZARDOUS MATERIALS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Comptroller General of the United States shall initiate a review of whether there have been any systemic decisions by ocean common carriers to discriminate against maritime transport of qualified hazardous materials by unreasonably denying vessel space accommodations, equipment, or other instrumentalities needed to transport such materials. The Comptroller General shall take into account any applicable safety and pollution regulations.

(b) CONSULTATION.—The Comptroller General of the United States may consult with the Commandant of the Coast Guard and the Chair of the Federal Maritime Commission in conducting the review under this section.

(c) DEFINITIONS.—In this section:

(1) HAZARDOUS MATERIALS.—The term ''hazardous materials'' includes dangerous goods, as defined by the International Maritime Dangerous Goods Code.

(2) OCEAN COMMON CARRIER.—The term ''ocean common carrier'' has the meaning given such term in section 40102 of title 46, United States Code.

(3) QUALIFIED HAZARDOUS MATERIALS.—The term ''qualified hazardous materials'' means hazardous materials for which the shipper has certified to the ocean common carrier that such materials have been or will be tendered in accordance with applicable safety laws, including regulations.

(4) SHIPPER.—The term ''shipper'' has the meaning given such term in section 40102 of title 46, United States Code.

SEC. 23. TRANSPORTATION WORKER IDENTIFICATION CREDENTIALS.

(a) DEFINITION OF DIRECT ASSISTANCE TO A UNITED STATES PORT.—In this section:

(1) IN GENERAL.—The term ''direct assistance to a United States port'' means the transportation of cargo directly to or from a United States port.

(2) EXCLUSIONS.—The term ''direct assistance to a United States port'' does not include—

(A) the transportation of a mixed load of cargo that includes—

(i) cargo that does not originate from a United States port; or

(ii) a container or cargo that is not bound for a United States port;

(B) any period during which a motor carrier or driver is operating in interstate commerce to transport cargo or provide services not in support of transportation to or from a United States port; or

(C) the period after a motor carrier dispatches the applicable driver or commercial motor vehicle of the motor carrier to another location to begin operation in interstate commerce in a manner that is not in

support of transportation to or from a United States port.

(b) TRANSPORTATION WORKER IDENTIFICATION CREDENTIALS.—The Administrator of the Transportation Security Administration and the Commandant of the Coast Guard shall jointly prioritize and expedite the consideration of applications for a Transportation Worker Identification Credential with respect to applicants that reasonably demonstrate that the purpose of the Transportation Worker Identification Credential is for providing, within the interior of the United States, direct assistance to a United States port.

SEC. 24. USE OF UNITED STATES INLAND PORTS FOR STORAGE AND TRANSFER OF CARGO CONTAINERS.

(a) MEETING.—Not later than 90 days after the date of enactment of this Act, the Assistant Secretary for Transportation Policy, in consultation with the Administrator of the Maritime Administration and the Chairperson of the Federal Maritime Commission, shall convene a meeting of representatives of entities described in subsection (b) to discuss the feasibility of, and strategies for, identifying Federal and non-Federal land, including inland ports, for the purposes of storage and transfer of cargo containers due to port congestion.

(b) DESCRIPTION OF ENTITIES.—The entities referred to in subsection (a) are—

(1) representatives of United States major gateway ports, inland ports, and export terminals;

(2) ocean carriers;

(3) railroads;

(4) trucking companies;

(5) port workforce, including organized labor; and

(6) such other stakeholders as the Secretary of Transportation, in consultation with the Chairperson of the Federal Maritime Commission, determines to be appropriate.

(c) REPORT TO CONGRESS.—As soon as practicable after the date of the meeting convened under subsection (a), the Assistant Secretary for Transportation Policy, in consultation with the Administrator of the Maritime Administration and the Chairperson of the Federal Maritime Commission, shall submit to Congress a report describing—

(1) the results of the meeting;

(2) the feasibility of identifying land or property under the jurisdiction of United States, or ports in the United States, for storage and transfer of cargo containers; and

(3) recommendations relating to the meeting, if any.

(d) SAVINGS PROVISION.—No authorization contained in this section may be acted on in a manner that jeopardizes or negatively impacts the national security or defense readiness of the United States.

SEC. 25. REPORT ON ADOPTION OF TECHNOLOGY AT UNITED STATES PORTS.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report describing the adoption of technology at United States ports, as compared to that adoption at foreign ports, including—

(1) the technological capabilities of United States ports, as compared to foreign ports;

(2) an assessment of whether the adoption of technology at United States ports could lower the costs of cargo handling;

(3) an assessment of regulatory and other barriers to the adoption of technology at United States ports; and

(4) an assessment of technology and the workforce.

SEC. 26. AUTHORIZATION OF APPROPRIATIONS.

Section 46108 of title 46, United States Code, is amended by striking ''$29,086,888 for fiscal year 2020 and $29,639,538 for fiscal year 2021'' and inserting ''$32,869,000 for fiscal year 2022, $38,260,000 for fiscal year 2023, $43,720,000 for fiscal year 2024, and $49,200,000 for fiscal year 2025''.

AUTHORITY FOR COMMITTEES TO MEET

Mr. MARKEY. Mr. President, I have six requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority Leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

The Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on Thursday, March 31, 2022, at 10 a.m., to conduct a hearing.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

The Committee on Energy and Natural Resources is authorized to meet during the session of the Senate on Thursday, March 31, 2022, at 10 a.m., to conduct a hearing.

COMMITTEE ON FINANCE

The Committee on Finance is authorized to meet during the session of the Senate on Thursday, March 31, 2022, at 10 a.m., to conduct a hearing.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Thursday, March 31, 2022, at 10:15 a.m., to conduct a hearing on nominations.

SPECIAL COMMITTEE ON AGING

The Special Committee on Aging is authorized to meet during the session of the Senate on Thursday, March 31, 2022, at 10 a.m., to conduct a hearing.

SUBCOMMITTEE ON WESTERN HEMISPHERE, TRANSNATIONAL CRIME, CIVILIAN SECURITY, DEMOCRACY, HUMAN RIGHTS, AND GLOBAL WOMEN'S ISSUES

The Subcommittee on Western Hemisphere, Transnational Crime, Civilian Security, Democracy, Human Rights, and Global Women's Issues of the Committee on Foreign Relations is authorized to meet during the session of the Senate on Thursday, March 31, 2022, at 10 a.m., to conduct a hearing.

PRIVILEGES OF THE FLOOR

Mr. MARKEY. Mr. President, I ask unanimous consent that the following legislative fellows in my office be granted the privileges of the floor for the remainder of the Congress: Joshua Melko, Arthur Bowman, Violet Doucette, Natalya Scimeca, and Meghan Kleinsteiber.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING TESTIMONY AND REPRESENTATION IN UNITED STATES V. ROBERTSON

Mr. MARKEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 573, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 573) to authorize testimony and representation in United States v. Robertson, et al.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SCHUMER. Mr. President, the third criminal trial arising out of the events of January 6, 2021, is scheduled to begin on April 4, 2022, in Federal district court in the District of Columbia. One of the two defendants in this case pleaded guilty earlier this month. The remaining defendant, Thomas Robertson, is going to trial and is charged with six counts: obstructing the counting by Congress of the electoral ballots for President and Vice President; obstructing the grand jury investigation related to the events of January 6, 2021, and his Federal prosecution by altering and destroying one or more cell phones; impeding and interfering with law enforcement officers during a civil disorder; entering and remaining in a restricted area within the U.S. Capitol and its grounds; and two counts of engaging in disorderly and disruptive conduct.

The prosecution has requested trial testimony from Daniel Schwager, formerly counsel to the Secretary of the Senate, related to the obstruction count, including his knowledge and observations of the process and constitutional and legal bases for Congress's certification of the electoral college vote. The prosecution is also seeking testimony at trial, if necessary, from Nate Russell and Diego Torres, custodians of records in the Senate Recording Studio, which operates under the authority of the Sergeant at Arms and Doorkeeper of the Senate, to authenticate Senate video of the proceeding that day. Senate Secretary Berry and Senate Sergeant at Arms Gibson would like to cooperate with these requests by providing relevant testimony in this proceeding from Messrs. Schwager, Russell, and Torres, respectively.

In keeping with the rules and practices of the Senate, this resolution would authorize the production of relevant testimony from Messrs. Schwager, Russell, and Torres, with representation by the Senate Legal Counsel.

Mr. MARKEY. I further ask that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 573) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MARKEY. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations en bloc: Calendar Nos. 400, 647, and 775; that the Senate vote on the nominations, en bloc, without intervening action or debate; that the motions to reconsider be considered made and laid upon the table; that any statements related to the nominations be printed in the RECORD; and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the nominations of Alan F. Estevez, of Maryland, to be Under Secretary of Commerce for Industry and Security; Enoh T. Ebong, of the District of Columbia, to be Director of the Trade and Development Agency; and Joseph F. DeCarolis, of North Carolina, to be Administrator of the Energy Information Administration, en bloc?

The nominations were confirmed en bloc.

ORDERS FOR MONDAY, APRIL 4, 2022

Mr. MARKEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until 3 p.m., Monday, April 4; and that following the prayer and the pledge, the time for the two leaders be reserved for their use later in the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL MONDAY, APRIL 4, 2022, AT 3 P.M.

Mr. MARKEY. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand in recess under the previous order.

There being no objection, the Senate, at 4:24 p.m., recessed until Monday, April 4, 2022, at 3 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 31, 2022:

DEPARTMENT OF COMMERCE

ALAN F. ESTEVEZ, OF MARYLAND, TO BE UNDER SECRETARY OF COMMERCE FOR INDUSTRY AND SECURITY.

TRADE AND DEVELOPMENT AGENCY

ENOH T. EBONG, OF THE DISTRICT OF COLUMBIA, TO BE DIRECTOR OF THE TRADE AND DEVELOPMENT AGENCY.

THE JUDICIARY

SARAH ELISABETH GERAGHTY, OF GEORGIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF GEORGIA.

GEORGETTE CASTNER, OF NEW JERSEY, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY.

DEPARTMENT OF ENERGY

JOSEPH F. DECAROLIS, OF NORTH CAROLINA, TO BE ADMINISTRATOR OF THE ENERGY INFORMATION ADMINISTRATION.